

NH1139(800)E  
BREWER

**BEFORE SUBMITTING YOUR BID**

- 1. Use pen and ink to complete the Bid.**
- 2. Have you signed and completed the Contract Agreement, Offer & Award Forms?**
- 3. As a minimum, the Bidder will submit a Bid Package consisting of the Notice to Contractors, the completed Acknowledgement of Bid Amendments & Submission of Bid Bond Validation Number form, the completed Schedule of Items, 2 copies of the completed Agreement, Offer, & Award form, a Bid Bond or Bid Guarantee, and any other Certifications or Bid Requirements listed in the Bid Book.**
- 4. Have you included prices for all Bid Items? (“Zero is not considered a bid price.”)**
- 5. Have you included a bid guarantee? Acceptable forms are:**
  - A. Bid Bond on the Department’s prescribed form for 5% of the Bid Amount.  
(Or forms that do not contain any significant variations from the Department’s forms as solely determined by the Department.)**
  - B. Official Bank Check, Cashier’s Check, Certified Check, U.S. Postal Money Order or Negotiable Certificate of Deposit in the amount stated in the Notice to Contractors.**
- 6. If the written Bid is to be sent, Federal Express overnight delivery is suggested as the package is delivered directly to the DOT Headquarters Building in Augusta. Other means, such as U.S. Postal Services’ Express Mail has proven not to be reliable.**

**AND FOR FEDERAL AID PROJECTS**

- 7. Have you included your DBE Utilization commitment in the proper amounts and signed the DBE Certification?**

**If you need further information regarding Bid preparation, call the DOT Contracts Section at (207)624-3410.**

**For complete specifications regarding bidding requirements, refer to Section 102 of the Maine Department of Transportation, Standard Specifications, Revision December 2002.**

# NOTICE

**The Maine Department of Transportation is attempting to improve the way Bid Amendments/Addendums are handled, and allow for an electronic downloading of bid packages from our website, while continuing to maintain a planholders list.**

**Prospective bidders, subcontractors or suppliers who wish to download a copy of the bid package and receive a courtesy notification of project specific bid amendments, must provide an email address to Diane Barnes at the MDOT Contracts mailbox at: [MDOT.contracts@maine.gov](mailto:MDOT.contracts@maine.gov). Each bid package will require a separate request.**

**Additionally, interested parties will be responsible for reviewing and retrieving the Bid Amendments from our web site, and acknowledging receipt and incorporating those Bid Amendments in their bids using the Acknowledgement of Bid Amendment Form.**

The downloading of bid packages from the MDOT website is not the same as providing an electronic bid to the Department. Electronic bids must be submitted via <http://www.BIDX.com>. For information on electronic bidding contract Rebecca Pooler at [rebecca.pooler@maine.gov](mailto:rebecca.pooler@maine.gov).

# NOTICE

For security and other reasons, all Bid Packages which are mailed, shall be provided in double (one envelope inside the other) envelopes. The *Inner Envelope* shall have the following information provided on it:

Bid Enclosed - Do Not Open

PIN:

Town:

Date of Bid Opening:

Name of Contractor with mailing address and telephone number:

In Addition to the usual address information, the *Outer Envelope* should have written or typed on it:

Double Envelope: Bid Enclosed

PIN:

Town:

Date of Bid Opening:

Name of Contractor:

*This should not be much of a change for those of you who use Federal Express or similar services.*

Hand-carried Bids may be in one envelope as before, and should be marked with the following information:

Bid Enclosed: Do Not Open

PIN:

Town:

Name of Contractor:

**STATE OF MAINE DEPARTMENT OF TRANSPORTATION**  
Bid Guaranty-Bid Bond Form

**KNOW ALL MEN BY THESE PRESENTS THAT**\_\_\_\_\_

\_\_\_\_\_, of the City/Town of \_\_\_\_\_ and State of \_\_\_\_\_

as Principal, and \_\_\_\_\_ as Surety, a

Corporation duly organized under the laws of the State of \_\_\_\_\_ and having a usual place of

Business in \_\_\_\_\_ and hereby held and firmly bound unto the Treasurer of

the State of Maine in the sum of \_\_\_\_\_ for payment which Principal and Surety bind

themselves, their heirs, executors, administrators, successors and assigns, jointly and severally.

The condition of this obligation is that the Principal has submitted to the Maine Department of

Transportation, hereafter Department, a certain bid, attached hereto and incorporated as a

part herein, to enter into a written contract for the construction of \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ and if the Department shall accept said bid

and the Principal shall execute and deliver a contract in the form attached hereto (properly

completed in accordance with said bid) and shall furnish bonds for this faithful performance of

said contract, and for the payment of all persons performing labor or furnishing material in

connection therewith, and shall in all other respects perform the agreement created by the

acceptance of said bid, then this obligation shall be null and void; otherwise it shall remain in full

force, and effect.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

WITNESS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

WITNESS

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PRINCIPAL:

By \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

SURETY:

By \_\_\_\_\_

By: \_\_\_\_\_

Name of Local Agency: \_\_\_\_\_

# NOTICE

Bidders:

Please use the attached “Request for Information” form when faxing questions and comments concerning specific Contracts that have been Advertised for Bid. Include additional numbered pages as required.

# REQUEST FOR INFORMATION

Response By:\_\_\_\_\_ Date:\_\_\_\_\_

# INSTRUCTIONS FOR PREPARING THE CONTRACTOR'S DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION PLAN

## The Contractor Shall:

1. Submit a completed Contractor's Disadvantaged Business Enterprise Utilization Plan to the Contract's Engineer by 4:30 P.M. on the Bid day.
2. Extend equal opportunity to MDOT certified DBE firms (as listed in MDOT's DBE Directory of Certified Businesses) in the selection and utilization of Subcontractors and Suppliers.

## SPECIFIC INSTRUCTIONS FOR COMPLETING THE FORM:

Insert Contractor name, the name of the person(s) preparing the form, and that person(s) telephone and fax number.

Provide total Bid price, Federal Project Identification Number, and location of the Project work.

In the columns, name each DBE firm to be used, provide the Unit or Item cost of the Work/Product to be provided by the DBE firm, give a brief description of the Work, and the dollar value of the Work.

If no DBE firm is to be utilized, the Contractor must document the reason(s) why no DBE firms are being used. Specific supporting evidence of good faith efforts taken by Contractors to solicit DBE Bidders must be attached. This evidence, as a minimum, includes phone logs, e-mail and/or mail DBE solicitation records, and the documented results of these solicitations.



# NOTICE

## Disadvantaged Business Enterprise Proposed Utilization

The Apparent Low Bidder must submit the Disadvantaged Business Enterprise Proposed Utilization form by close of Business (4:30 P.M.) on Bid day.

The Contractor's Disadvantaged Business Enterprise Proposed Utilization Plan form contains additional information that is required by USDOT.

The Contractor's Disadvantaged Business Enterprise Proposed Utilization Plan form must be used.

A copy of the new Contractor's Disadvantaged Business Enterprise Proposed Utilization Plan and instructions for completing it are attached.

Note: Questions about DBE firms, or to obtain a printed copy of the DBE Directory, contact Equal Opportunity at (207) 624-3066.

MDOT's DBE Directory of Certified firms can also be obtained at [http://www.state.me.us/mdot/humnres/o\\_equalo/cdwbed\\_h.htm](http://www.state.me.us/mdot/humnres/o_equalo/cdwbed_h.htm)

# CONTRACTOR'S DISADVANTAGED BUSINESS ENTERPRISE PROPOSED UTILIZATION PLAN

Low Bidder shall furnish completed form to Contracts Section by 4:30 P.M. on Bid Opening day.

TO: MDOT Contracts Section  
16 State House Station,  
Augusta, Me 04333-0016  
or  
Fax: 207-624-3431

Contractor: \_\_\_\_\_

Prepared by: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

BID PRICE: \$ \_\_\_\_\_ FEDERAL PROJECT # \_\_\_\_\_ LOCATION: \_\_\_\_\_

TOTAL DBE PARTICIPATION AS A PERCENT OF TOTAL BID PRICE = \_\_\_\_\_ %

DBE Firm*	Unit/Item Cost	Unit #	Description of work & Item Number	Actual \$ Value
Total >				

If no DBE firm(s) are used, bidder must document efforts made to secure DBE participation and attach supporting evidence of this effort:

\_\_\_\_\_  
\_\_\_\_\_.

Examples: Bidder relies wholly upon low quote subcontractor section, DBE firm(s) were not low quote.  
No DBE firms bid.

\*Only DBE firms certified by MDOT prior to bidding can be utilized by Contractor for DBE credit.  
Directory of certified DBEs is available on MDOT's website: [www.state.me.us/mdot](http://www.state.me.us/mdot)

Equal Opportunity Use:

Plan received \_\_\_\_/\_\_\_\_/\_\_\_\_ Verified by: \_\_\_\_\_ Action: \_\_\_\_\_



## Office of Human Resources

### Equal Opportunity

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## MAINE DEPARTMENT OF TRANSPORTATION

Certified Disadvantaged and Women Business Enterprise

DBE DIRECTORY - MINORITY OWNED

WBE DIRECTORY - WOMEN OWNED

WEBSITE FOR DIRECTORY CAN BE FOUND AT:

[http://www.state.me.us/mdot/humnres/o\\_equalo/cdwbed\\_h.htm](http://www.state.me.us/mdot/humnres/o_equalo/cdwbed_h.htm)

*It is the responsibility of the Contractor to access the DBE Directory at this site in order to have the most current listings.*

## STATE OF MAINE DEPARTMENT OF TRANSPORTATION NOTICE TO CONTRACTORS

Sealed Bids addressed to the Maine Department of Transportation, Augusta, Maine 04333 and endorsed on the wrapper "Bid for the Hot Mix Asphalt Overlay, Milling, Full Depth Recycled Pavement with Foamed Asphalt, Drainage and Safety Improvements in the city of **Brewer**" will be received from contractors at the Reception Desk, Maine DOT Building, Child Street, Augusta, Maine, until 11:00 o'clock A.M. (prevailing time) on **May 19, 2004**, and at that time and place publicly opened and read. Bids will be accepted from contractors prequalified by the Department of Transportation for highway construction or paving projects. All other Bids may be rejected. **MDOT provides the option of electronic bidding. We accept electronic bids for those bid packages posted on the bidx.com website. Electronic bids do not have to be accompanied by paper bids. Please note: the Department will accept a facsimile of the bid bond; however, the original bid bond must then be received at the MDOT Contract Section within 72 hours of the bid opening.** Until further notice, dual bids (one paper, one electronic) will be accepted, with the paper copy taking precedence.

Description: Maine Federal Aid Project No.: NH-1139(800)E, PIN 11398.00

Location: The section of highway under construction in Penobscot County, project NH-1139(800)E is located on Route 9, beginning 0.08 of a mile easterly of State Street and extending easterly 3.71 miles to the Eddington town line.

Outline of Work: Hot Mix Asphalt Overlay, Milling, Full Depth Recycled Pavement with Foamed Asphalt, Drainage and Safety Improvements and other incidental work.

**An informational meeting regarding Utility work will be held at the Department of Transportation's Division office in Bangor on May 13, 2004.**

**The basis of award will be the total of all sections**

For general information regarding Bidding and Contracting procedures, contact **Scott Bickford** at (207)624-3410. Our webpage at <http://www.state.me.us/mdot/project/design/homepg.htm> contains a copy of the schedule of items, Plan Holders List, written portions of bid amendments (not drawings), and bid results. For Project-specific information fax all questions to **James Andrews** at (207)624-3401. Questions received after 12:00 noon of Monday prior to bid date will not be answered. Bidders shall not contact any other Departmental staff for clarification of Contract provisions, and the Department will not be responsible for any interpretations so obtained. Hearing impaired persons may call the Telecommunication Device for the Deaf at (207)287-3392.

Specifications and bid forms may be seen at the Maine DOT Building in Augusta, Maine and at the Department of Transportation's Division Office in Bangor, Maine. They may be purchased from the Department between the hours of 8:00 a.m. to 4:30 p.m. by cash, credit card (Visa/Mastercard) or check payable to Treasurer, State of Maine sent to Maine Department of Transportation, Attn.: Mailroom, 16 State House Station, Augusta, Maine 04333-0016. They also may be purchased by telephone at (207)624-3536 between the hours of 8:00 a.m. to 4:30 p.m. Bid Book \$10 (\$13 by mail), Single Sheets \$2, payment in advance, all non-refundable.

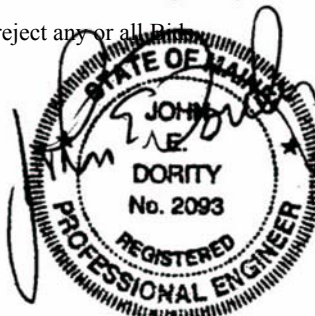
Each Bid must be made upon blank forms provided by the Department and must be accompanied by a bid bond at 5% of the bid amount or an official bank check, cashier's check, certified check, certificate of deposit, or United States postal money order in the amount of \$40,000 payable to Treasurer, State of Maine as a Bid guarantee. A Contract Performance Surety Bond and a Contract Payment Surety Bond, each in the amount of 100 percent of the Contract price, will be required of the successful Bidder.

This Contract is subject to all applicable Federal Laws. This contract is subject to compliance with the Disadvantaged Business Enterprise program requirements as set forth by the Maine Department of Transportation.

All work shall be governed by "State of Maine, Department of Transportation, Standard Specifications, Revision of December 2002", price \$10 [\$13 by mail], and Standard Details, Revision of December 2002, price \$20 [\$25 by mail] Standard Detail updates can be found at <http://www.state.me.us/mdot/project/design/homepg.htm>

The right is hereby reserved to the MDOT to reject any or all Bids.

Augusta, Maine  
Date: April 28, 2004



JOHN E. DORITY  
CHIEF ENGINEER

**SPECIAL PROVISION 102.7.3**  
**ACKNOWLEDGMENT OF BID AMENDMENTS**  
**&**  
**SUBMISSION OF BID BOND VALIDATION NUMBER (IF APPLICABLE)**

With this form, the Bidder acknowledges its responsibility to check for all Amendments to the Bid Package. For each Project under Advertisement, Amendments are located at <http://www.maine.gov/mdot/comprehensive-list-projects/project-information.php>. It is the responsibility of the Bidder to determine if there are Amendments to the Project, to download them, to incorporate them into their Bid Package, and to reference the Amendment number and the date on the form below. The Maine DOT will not post Bid Amendments any later than noon the day before Bid opening without individually notifying all the planholders.

Amendment Number	Date

The Contractor, for itself, its successors and assigns, hereby acknowledges that it has received all of the above referenced Amendments to the Bid Package.

CONTRACTOR

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of authorized representative

\_\_\_\_\_  
(Name and Title Printed)

MAINE DEPARTMENT OF TRANSPORTATION

BID

DATE OF OPENING :

CALL ORDER :

CONTRACT ID : 011398.00

PROJECTS

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NH-1139(800)E

COUNTY : PENOBSCOT

## MAINE DEPARTMENT OF TRANSPORTATION

PAGE: 1

## SCHEDULE OF ITEMS

DATE: 040409

REVISED:

CONTRACT ID: 011398.00

PROJECT(S): NH-1139(800)E

CONTRACTOR : \_\_\_\_\_

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS

## SECTION 0001 HIGHWAY ITEMS

0010	202.202 REMOVING PAVEMENT SURFACE	2160.000 SY				
0020	202.203 PAVEMENT BUTT JOINTS	680.000 SY				
0030	204.41 REHABILITATION OF EXISTING SHOULDERS, PLAN QUANTITY	9481.000 SY				
0040	211.20 INSLOPE EXCAVATION	5120.000 LF				
0050	211.22 INSLOPE EXCAVATION - GUARDRAIL	4130.000 LF				
0060	211.30 DITCH EXCAVATION	4840.000 LF				
0070	304.103 AGGREGATE SUBBASE - GRAVEL (TRUCK MEASURE)	350.000 CY				
0080	309.36 FULL DEPTH REC PAVEMENT W/FOAM ASPHALT 6 INCH DEPTH	44050.000 SY				
0090	403.209 HOT MIX ASPHALT 9.5 MM HMA (SIDEWALKS, DRIVES, INCIDENT ALS)	280.000 T				
0100	403.210 HOT MIX ASPHALT 9.5 MM HMA	8270.000 T				

## MAINE DEPARTMENT OF TRANSPORTATION

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## SCHEDULE OF ITEMS

DATE: 040409

REVISED:

CONTRACT ID: 011398.00

PROJECT(S): NH-1139(800)E

CONTRACTOR : \_\_\_\_\_

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
0110	403.211 HOT MIX ASPHALT (SHIMMING)	600.000 T				
0120	403.213 HOT MIX ASPHALT 12.5 MM HMA BASE	3560.000 T				
0130	409.15 BITUMINOUS TACK COAT APPLIED	4390.000 G				
0140	411.10 UNTREATED AGGREGATE SURFACE COURSE (TRUCK MEASURE)	20.000 CY				
0150	603.16 15 INCH CULVERT PIPE OPTION I	524.000 LF				
0160	603.17 18 INCH CULVERT PIPE OPTION I	74.000 LF				
0170	603.179 18 INCH CULVERT PIPE OPTION III	737.000 LF				
0180	603.199 24 INCH CULVERT PIPE OPTION III	365.000 LF				
0190	603.235 48 INCH REINFORCED CONCRETE PIPE CLASS III	112.000 LF				
0200	604.161 ALTERING CATCH BASIN	1.000 EA				
0210	604.164 REBUILDING CATCH BASIN	4.000 EA				



## MAINE DEPARTMENT OF TRANSPORTATION

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## SCHEDULE OF ITEMS

DATE: 040409

REVISED:

CONTRACT ID: 011398.00

PROJECT(S): NH-1139(800)E

CONTRACTOR : \_\_\_\_\_

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
0220	604.18 ADJUSTING MANHOLE OR CATCH BASIN TO GRADE	47.000 EA				
0230	606.1731 BRIDGE CONNECTION TYPE 1	4.000 EA				
0240	606.178 GUARDRAIL BEAM	50.000 LF				
0250	606.23 GUARDRAIL TYPE 3C - SINGLE RAIL	1125.000 LF				
0260	606.231 GUARDRAIL TYPE 3C - 15 FOOT RADIUS AND LESS	420.000 LF				
0270	606.265 TERMINAL END - SINGLE RAIL - GALVANIZED STEEL	14.000 EA				
0280	606.35 GUARDRAIL DELINEATOR POST	25.000 EA				
0290	606.367 REPLACE UNUSABLE EXISTING GUARDRAIL POSTS	30.000 EA				
0300	606.47 SINGLE WOOD POST	30.000 EA				
0310	606.754 WIDEN SHOULDER FOR GUARDRAIL 350 FLARED TERMINAL	2.000 EA				
0320	606.79 GUARDRAIL 350 FLARED TERMINAL	2.000 EA				

## MAINE DEPARTMENT OF TRANSPORTATION

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## SCHEDULE OF ITEMS

DATE: 040409

REVISED:

CONTRACT ID: 011398.00

PROJECT(S): NH-1139(800)E

CONTRACTOR : \_\_\_\_\_

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
0330	609.31 CURB TYPE 3	9150.000				
	LF					
0340	609.38 RESET CURB TYPE 1	3150.000				
	LF					
0350	610.08 PLAIN RIPRAP	80.000				
	CY					
0360	613.319 EROSION CONTROL BLANKET	2200.000				
	SY					
0370	615.07 LOAM	150.000				
	CY					
0380	618.1301 SEEDING METHOD NUMBER 1 - PLAN QUANTITY	35.000				
	UN					
0390	618.1401 SEEDING METHOD NUMBER 2 - PLAN QUANTITY	188.000				
	UN					
0400	619.1201 MULCH - PLAN QUANTITY	223.000				
	UN					
0410	620.58 EROSION CONTROL GEOTEXTILE	136.000				
	SY					
0420	627.711 WHITE OR YELLOW PAINTED PAVEMENT MARKING LINE	39250.000				
	LF					
0430	627.75 WHITE OR YELLOW PAVEMENT AND CURB MARKING	1570.000				
	SF					

## MAINE DEPARTMENT OF TRANSPORTATION

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## SCHEDULE OF ITEMS

DATE: 040409

REVISED:

CONTRACT ID: 011398.00

PROJECT(S): NH-1139(800)E

CONTRACTOR : \_\_\_\_\_

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE DOLLARS   CTS	BID AMOUNT DOLLARS   CTS
0440	627.76 TEMPORARY PVMT. MARK LINE, W OR YELLOW	LUMP	LUMP	
0450	629.05 HAND LABOR, STRAIGHT TIME	20.000 HR		
0460	631.10 AIR COMPRESSOR (INCLUDING OPERATOR)	10.000 HR		
0470	631.11 AIR TOOL (INCLUDING OPERATOR)	10.000 HR		
0480	631.12 ALL PURPOSE EXCAVATOR (INCLUDING OPERATOR)	60.000 HR		
0490	631.172 TRUCK - LARGE (INCLUDING OPERATOR)	20.000 HR		
0500	631.18 CHAIN SAW RENTAL (INCLUDING OPERATOR)	10.000 HR		
0510	631.32 CULVERT CLEANER (INCLUDING OPERATOR)	40.000 HR		
0520	639.19 FIELD OFFICE TYPE B	1.000 EA		
0530	652.38 FLAGGER	3020.000 HR		
0540	652.39 WORK ZONE TRAFFIC CONTROL	LUMP	LUMP	

## MAINE DEPARTMENT OF TRANSPORTATION

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## SCHEDULE OF ITEMS

DATE: 040409

REVISED:

CONTRACT ID: 011398.00

PROJECT(S): NH-1139(800)E

CONTRACTOR : \_\_\_\_\_

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE DOLLARS	CTS	BID AMOUNT DOLLARS	CTS
0550	656.75 TEMPORARY SOIL EROSION AND WATER POLLUTION CONTROL	LUMP	LUMP			
0560	658.20 ACRYLIC LATEX COLOR FINISH, GREEN	10.000 SY				
0570	659.10 MOBILIZATION	LUMP	LUMP			
	SECTION 0001 TOTAL					.
SECTION 0002 SANITARY ITEMS						
0580	812.162 ADJUSTING SEWER MANHOLE TO GRADE	50.000 EA				
0590	812.164 REBUILDING SEWER MANHOLE	6.000 EA				
	SECTION 0002 TOTAL					.
SECTION 0003 WATER ITEMS						
0600	823.332 GATE VALVE BOX, ADJUST TO GRADE	35.000 EA				
	SECTION 0003 TOTAL					
	TOTAL BID					

## **CONTRACT AGREEMENT, OFFER & AWARD**

AGREEMENT made on the date last signed below, by and between the State of Maine, acting through and by its Department of Transportation (Department), an agency of state government with its principal administrative offices located at Child Street Augusta, Maine, with a mailing address at 16 State House Station, Augusta, Maine 04333-0016, and

\_\_\_\_\_ a corporation or other legal entity organized under the laws of the State of Maine, with its principal place of business located at \_\_\_\_\_

The Department and the Contractor, in consideration of the mutual promises set forth in this Agreement (the "Contract"), hereby agree as follows:

### **A. The Work.**

The Contractor agrees to complete all Work as specified or indicated in the Contract including Extra Work in conformity with the Contract, **NH-1139(800)E, PIN 011398.00 for the Hot Mix Asphalt Overlay, Milling, Full Depth Recycled Pavement with Foamed Asphalt, Drainage and Safety Improvements in the City of Brewer, County of Penobscot, State of Maine.** The Work includes construction, maintenance during construction, warranty as provided in the Contract, and other incidental work.

The Contractor shall be responsible for furnishing all supervision, labor, equipment, tools supplies, permanent materials and temporary materials required to perform the Work including construction quality control including inspection, testing and documentation, all required documentation at the conclusion of the project, warranting its work and performing all other work indicated in the Contract.

The Department shall have the right to alter the nature and extent of the Work as provided in the Contract; payment to be made as provided in the same.

### **B. Time.**

The Contractor agrees to complete all Work, except warranty work, on or before **October 31, 2004.** Further, the Department may deduct from moneys otherwise due the Contractor, not as a penalty, but as Liquidated Damages in accordance with Sections 107.7 and 107.8 of the State of Maine Department of Transportation Standard Specifications, Revision of December 2002.

**C. Price.**

The quantities given in the Schedule of Items of the Bid Package will be used as the basis for determining the original Contract amount and for determining the amounts of the required Performance Surety Bond and Payment Surety Bond, and that the amount of this offer is

**Section 0001 \$** \_\_\_\_\_

**Section 0002 \$** \_\_\_\_\_

**Section 0003 \$** \_\_\_\_\_

Performance Bond and Payment Bond each being 100% of the amount awarded under this Contract (see award amount in Section G below).

**D. Contract.**

This Contract, which may be amended, modified, or supplemented in writing only, consists of the Contract documents as defined in the Plans, Standard Specifications, Revision of December 2002, Standard Details Revision of December 2002 as updated through advertisement, Supplemental Specifications, Special Provisions, Contract Agreement; and Contract Bonds. It is agreed and understood that this Contract will be governed by the documents listed above.

**E. Certifications.**

By signing below, the Contractor hereby certifies that to the best of the Contractor's knowledge and belief:

1. All of the statements, representations, covenants, and/or certifications required or set forth in the Bid and the Bid Documents, including those in Appendix A to Division 100 of the Standard Specifications Revision of December 2002 (Federal Contract Provisions Supplement), and the Contract are still complete and accurate as of the date of this Agreement.
2. The Contractor knows of no legal, contractual, or financial impediment to entering into this Contract.
3. The person signing below is legally authorized by the Contractor to sign this Contract on behalf of the Contractor and to legally bind the Contractor to the terms of the Contract.

**F. Offer.**

The undersigned, having carefully examined the site of work, the Plans, Standard Specifications Revision of December 2002, Standard Details Revision of December 2002 as updated through advertisement, Supplemental Specifications, Special Provisions, Contract Agreement; and Contract Bonds contained herein for construction of: **NH-1139(800)E, PIN 011398.00 for the Hot Mix Asphalt Overlay, Milling, Full Depth Recycled Pavement with Foamed Asphalt, Drainage and Safety Improvements in the City of Brewer, County of Penobscot, State of Maine**, on which bids will be received until the time specified in the "Notice to Contractors" do(es) hereby bid and offer to enter into this contract to supply all the materials, tools, equipment and labor to construct the whole of the Work in strict accordance with the terms and conditions of this Contract at the unit prices in the attached "Schedule of Items".

The Offeror agrees to perform the work required at the price specified above and in accordance with the bids provided in the attached "Schedule of Items" in strict accordance with the terms of this solicitation, and to provide the appropriate insurance and bonds if this offer is accepted by the Government in writing.

As Offeror also agrees:

First: To do any extra work, not covered by the attached "Schedule of Items", which may be ordered by the Resident, and to accept as full compensation the amount determined upon a "Force Account" basis as provided in the Standard Specifications, Revision of December 2002, and as addressed in the contract documents.

Second: That the bid bond at 5% of the bid amount or the official bank check, cashier's check, certificate of deposit or U. S. Postal Money Order in the amount given in the "Notice to Contractors", payable to the Treasurer of the State of Maine and accompanying this bid, shall be forfeited, as liquidated damages, if in case this bid is accepted, and the undersigned shall fail to abide by the terms and conditions of the offer and fail to furnish satisfactory insurance and Contract bonds under the conditions stipulated in the Specifications within 15 days of notice of intent to award the contract.

Third: To begin the Work on the date specified in the Engineer's "Notice to Commence Work" as stated in Section 107.2 of the Standard Specifications Revision of December 2002 and complete the Work within the time limits given in the Special Provisions of this Contract.

Fourth: The Contractor will be bound to the Disadvantaged Business Enterprise (DBE) Requirements contained in the attached Notice (Additional Instructions to Bidders) and submit a completed Contractor's Disadvantaged Business Enterprise Utilization Plan by 4:30pm on the day of bid opening to the Contracts Engineer.

Fifth: That this offer shall remain open for 30 calendar days after the date of opening of bids.

Sixth: The Bidder hereby certifies, to the best of its knowledge and belief that: the Bidder has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of competitive bidding in connection with its bid, and its subsequent contract with the Department.

IN WITNESS WHEREOF, the Contractor, for itself, its successors and assigns, hereby execute two duplicate originals of this Agreement and thereby binds itself to all covenants, terms, and obligations contained in the Contract Documents.

CONTRACTOR

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Signature of Legally Authorized Representative  
of the Contractor)

\_\_\_\_\_  
Witness

\_\_\_\_\_  
(Name and Title Printed)

**G. Award.**

Your offer is hereby accepted for (see checked boxes):

Section 0001 ☐

Section 0002 ☐

Section 0003 ☐

**Contract Amount:** \_\_\_\_\_

This award consummates the Contract, and the documents referenced herein.

MAINE DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
Date

\_\_\_\_\_  
By: David A. Cole, Commissioner

\_\_\_\_\_  
Witness



## **CONTRACT AGREEMENT, OFFER & AWARD**

AGREEMENT made on the date last signed below, by and between the State of Maine, acting through and by its Department of Transportation (Department), an agency of state government with its principal administrative offices located at Child Street Augusta, Maine, with a mailing address at 16 State House Station, Augusta, Maine 04333-0016, and

\_\_\_\_\_ a corporation or other legal entity organized under the laws of the State of Maine, with its principal place of business located at \_\_\_\_\_

The Department and the Contractor, in consideration of the mutual promises set forth in this Agreement (the "Contract"), hereby agree as follows:

### **A. The Work.**

The Contractor agrees to complete all Work as specified or indicated in the Contract including Extra Work in conformity with the Contract, **NH-1139(800)E, PIN 011398.00 for the Hot Mix Asphalt Overlay, Milling, Full Depth Recycled Pavement with Foamed Asphalt, Drainage and Safety Improvements in the City of Brewer, County of Penobscot, State of Maine.** The Work includes construction, maintenance during construction, warranty as provided in the Contract, and other incidental work.

The Contractor shall be responsible for furnishing all supervision, labor, equipment, tools supplies, permanent materials and temporary materials required to perform the Work including construction quality control including inspection, testing and documentation, all required documentation at the conclusion of the project, warranting its work and performing all other work indicated in the Contract.

The Department shall have the right to alter the nature and extent of the Work as provided in the Contract; payment to be made as provided in the same.

### **B. Time.**

The Contractor agrees to complete all Work, except warranty work, on or before **October 31, 2004.** Further, the Department may deduct from moneys otherwise due the Contractor, not as a penalty, but as Liquidated Damages in accordance with Sections 107.7 and 107.8 of the State of Maine Department of Transportation Standard Specifications, Revision of December 2002.

**C. Price.**

The quantities given in the Schedule of Items of the Bid Package will be used as the basis for determining the original Contract amount and for determining the amounts of the required Performance Surety Bond and Payment Surety Bond, and that the amount of this offer is

**Section 0001 \$** \_\_\_\_\_

**Section 0002 \$** \_\_\_\_\_

**Section 0003 \$** \_\_\_\_\_

Performance Bond and Payment Bond each being 100% of the amount awarded under this Contract (see award amount in Section G below).

**D. Contract.**

This Contract, which may be amended, modified, or supplemented in writing only, consists of the Contract documents as defined in the Plans, Standard Specifications, Revision of December 2002, Standard Details Revision of December 2002 as updated through advertisement, Supplemental Specifications, Special Provisions, Contract Agreement; and Contract Bonds. It is agreed and understood that this Contract will be governed by the documents listed above.

**E. Certifications.**

By signing below, the Contractor hereby certifies that to the best of the Contractor's knowledge and belief:

1. All of the statements, representations, covenants, and/or certifications required or set forth in the Bid and the Bid Documents, including those in Appendix A to Division 100 of the Standard Specifications Revision of December 2002 (Federal Contract Provisions Supplement), and the Contract are still complete and accurate as of the date of this Agreement.
2. The Contractor knows of no legal, contractual, or financial impediment to entering into this Contract.
3. The person signing below is legally authorized by the Contractor to sign this Contract on behalf of the Contractor and to legally bind the Contractor to the terms of the Contract.

**F. Offer.**

The undersigned, having carefully examined the site of work, the Plans, Standard Specifications Revision of December 2002, Standard Details Revision of December 2002 as updated through advertisement, Supplemental Specifications, Special Provisions, Contract Agreement; and Contract Bonds contained herein for construction of: **NH-1139(800)E, PIN 011398.00 for the Hot Mix Asphalt Overlay, Milling, Full Depth Recycled Pavement with Foamed Asphalt, Drainage and Safety Improvements in the City of Brewer, County of Penobscot, State of Maine**, on which bids will be received until the time specified in the "Notice to Contractors" do(es) hereby bid and offer to enter into this contract to supply all the materials, tools, equipment and labor to construct the whole of the Work in strict accordance with the terms and conditions of this Contract at the unit prices in the attached "Schedule of Items".

The Offeror agrees to perform the work required at the price specified above and in accordance with the bids provided in the attached "Schedule of Items" in strict accordance with the terms of this solicitation, and to provide the appropriate insurance and bonds if this offer is accepted by the Government in writing.

As Offeror also agrees:

First: To do any extra work, not covered by the attached "Schedule of Items", which may be ordered by the Resident, and to accept as full compensation the amount determined upon a "Force Account" basis as provided in the Standard Specifications, Revision of December 2002, and as addressed in the contract documents.

Second: That the bid bond at 5% of the bid amount or the official bank check, cashier's check, certificate of deposit or U. S. Postal Money Order in the amount given in the "Notice to Contractors", payable to the Treasurer of the State of Maine and accompanying this bid, shall be forfeited, as liquidated damages, if in case this bid is accepted, and the undersigned shall fail to abide by the terms and conditions of the offer and fail to furnish satisfactory insurance and Contract bonds under the conditions stipulated in the Specifications within 15 days of notice of intent to award the contract.

Third: To begin the Work on the date specified in the Engineer's "Notice to Commence Work" as stated in Section 107.2 of the Standard Specifications Revision of December 2002 and complete the Work within the time limits given in the Special Provisions of this Contract.

Fourth: The Contractor will be bound to the Disadvantaged Business Enterprise (DBE) Requirements contained in the attached Notice (Additional Instructions to Bidders) and submit a completed Contractor's Disadvantaged Business Enterprise Utilization Plan by 4:30pm on the day of bid opening to the Contracts Engineer.

Fifth: That this offer shall remain open for 30 calendar days after the date of opening of bids.

Sixth: The Bidder hereby certifies, to the best of its knowledge and belief that: the Bidder has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of competitive bidding in connection with its bid, and its subsequent contract with the Department.

IN WITNESS WHEREOF, the Contractor, for itself, its successors and assigns, hereby execute two duplicate originals of this Agreement and thereby binds itself to all covenants, terms, and obligations contained in the Contract Documents.

CONTRACTOR

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Signature of Legally Authorized Representative  
of the Contractor)

\_\_\_\_\_  
Witness

\_\_\_\_\_  
(Name and Title Printed)

**G. Award.**

Your offer is hereby accepted for (see checked boxes):

Section 0001 ☐

Section 0002 ☐

Section 0003 ☐

**Contract Amount:** \_\_\_\_\_

This award consummates the Contract, and the documents referenced herein.

MAINE DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
Date

\_\_\_\_\_  
By: David A. Cole, Commissioner

\_\_\_\_\_  
Witness

## **CONTRACT AGREEMENT, OFFER & AWARD**

AGREEMENT made on the date last signed below, by and between the State of Maine, acting through and by its Department of Transportation (Department), an agency of state government with its principal administrative offices located at 1705 U.S. Route 202, Winthrop, Maine, with a mailing address at 16 State House Station, Augusta, Maine 04333-0016, and (Name of the firm bidding the job) a corporation or other legal entity organized under the laws of the State of Maine, with its principal place of business located at (address of the firm bidding the job)

The Department and the Contractor, in consideration of the mutual promises set forth in this Agreement (the "Contract"), hereby agree as follows:

### **A. The Work.**

The Contractor agrees to complete all Work as specified or indicated in the Contract including Extra Work in conformity with the Contract, PIN No. 1224.00

for the Hot Mix Asphalt Overlay in the town/city of West Eastport, County of Washington, Maine. The Work includes construction, maintenance during construction, warranty as provided in the Contract, and other incidental work.

The Contractor shall be responsible for furnishing all supervision, labor, equipment, tools supplies, permanent materials and temporary materials required to perform the Work including construction quality control including inspection, testing and documentation, all required documentation at the conclusion of the project, warranting its work and performing all other work indicated in the Contract.

The Department shall have the right to alter the nature and extent of the Work as provided in the Contract; payment to be made as provided in the same.

### **B. Time.**

The Contractor agrees to complete all Work, except warranty work, on or before November 15, 2003. Further, the Department may deduct from moneys otherwise due the Contractor, not as a penalty, but as Liquidated Damages in accordance with Sections 107.7 and 107.8 of the State of Maine Department of Transportation Standard Specifications, Revision of December 2002.

**C. Price.**

The quantities given in the Schedule of Items of the Bid Package will be used as the basis for determining the original Contract amount and for determining the amounts of the required Performance Surety Bond and Payment Surety Bond, and that the amount of this offer is       (Place bid here in alphabetical form such as One Hundred and Two dollars and 10 cents)        
\$ (repeat bid here in numerical terms, such as \$102.10) Performance Bond and Payment Bond each being 100% of the amount of this Contract.

**D. Contract.**

This Contract, which may be amended, modified, or supplemented in writing only, consists of the Contract documents as defined in the Plans, Standard Specifications, Revision of December 2002, Standard Details Revision of December 2002, Supplemental Specifications, Special Provisions, Contract Agreement; and Contract Bonds. It is agreed and understood that this Contract will be governed by the documents listed above.

**E. Certifications.**

By signing below, the Contractor hereby certifies that to the best of the Contractor's knowledge and belief:

1. All of the statements, representations, covenants, and/or certifications required or set forth in the Bid and the Bid Documents, including those in Appendix A to Division 100 of the Standard Specifications Revision of December 2002 (Federal Contract Provisions Supplement), and the Contract are still complete and accurate as of the date of this Agreement.
2. The Contractor knows of no legal, contractual, or financial impediment to entering into this Contract.
3. The person signing below is legally authorized by the Contractor to sign this Contract on behalf of the Contractor and to legally bind the Contractor to the terms of the Contract.

**F. Offer.**

The undersigned, having carefully examined the site of work, the Plans, Standard Specifications, Revision of December 2002, Standard Details Revision of December 2002, Supplemental Specifications, Special Provisions, Contract Agreement; and Contract Bonds contained herein for construction of:

**PIN 1234.00 West Eastport, Hot Mix Asphalt Overlay**

State of Maine, on which bids will be received until the time specified in the "Notice to Contractors" do(es) hereby bid and offer to enter into this contract to supply all the materials, tools, equipment and labor to construct the whole of the Work in strict accordance with the terms and conditions of this Contract at the unit prices in the attached "Schedule of Items".

The Offeror agrees to perform the work required at the price specified above and in accordance with the bids provided in the attached "Schedule of Items" in strict accordance with the terms of this solicitation, and to provide the appropriate insurance and bonds if this offer is accepted by the Government in writing.

As Offeror also agrees:

First: To do any extra work, not covered by the attached "Schedule of Items", which may be ordered by the Resident, and to accept as full compensation the amount determined upon a "Force Account" basis as provided in the Standard Specifications, Revision of December 2002, and as addressed in the contract documents.

Second: That the bid bond at 5% of the bid amount or the official bank check, cashier's check, certificate of deposit or U. S. Postal Money Order in the amount given in the "Notice to Contractors", payable to the Treasurer of the State of Maine and accompanying this bid, shall be forfeited, as liquidated damages, if in case this bid is accepted, and the undersigned shall fail to abide by the terms and conditions of the offer and fail to furnish satisfactory insurance and Contract bonds under the conditions stipulated in the Specifications within 15 days of notice of intent to award the contract.

Third: To begin the Work on the date specified in the Engineer's "Notice to Commence Work" as stated in Section 107.2 of the Standard Specifications Revision of 2002 and complete the Work within the time limits given in the Special Provisions of this Contract.

Fourth: The Contractor will be bound to the Disadvantaged Business Enterprise (DBE) Requirements contained in the attached Notice (Additional Instructions to Bidders) and submit a completed Contractor's Disadvantaged Business Enterprise Utilization Plan by 4:30pm on the day of bid opening to the Contracts Engineer.

Fifth: That this offer shall remain open for 30 calendar days after the date of opening of bids.

Sixth: The Bidder hereby certifies, to the best of its knowledge and belief that: the Bidder has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of competitive bidding in connection with its bid, and its subsequent contract with the Department.

IN WITNESS WHEREOF, the Contractor, for itself, its successors and assigns, hereby execute two duplicate originals of this Agreement and thereby binds itself to all covenants, terms, and obligations contained in the Contract Documents.

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Witness Sign Here)  
Witness

CONTRACTOR  
(Sign Here)  
\_\_\_\_\_  
(Signature of Legally Authorized Representative  
of the Contractor)

\_\_\_\_\_  
(Print Name Here)  
(Name and Title Printed)

**G. Award.**

Your offer is hereby accepted.  
documents referenced herein.

This award consummates the Contract, and the

MAINE DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
Date

\_\_\_\_\_  
By: David A. Cole, Commissioner

\_\_\_\_\_  
(Witness)



BOND # \_\_\_\_\_

CONTRACT PERFORMANCE BOND  
(Surety Company Form)

KNOW ALL MEN BY THESE PRESENTS: That \_\_\_\_\_  
\_\_\_\_\_ **and the State of** \_\_\_\_\_, as principal,  
and \_\_\_\_\_,  
a corporation duly organized under the laws of the State of \_\_\_\_\_ and having a  
usual place of business \_\_\_\_\_,  
as Surety, are held and firmly bound unto the Treasurer of the State of Maine in the sum  
of \_\_\_\_\_ **and 00/100 Dollars (\$** \_\_\_\_\_ **)**,  
to be paid said Treasurer of the State of Maine or his successors in office, for which  
payment well and truly to be made, Principal and Surety bind themselves, their heirs,  
executors and administrators, successors and assigns, jointly and severally by these  
presents.

The condition of this obligation is such that if the Principal designated as Contractor in  
the Contract to construct Project Number \_\_\_\_\_ in the Municipality of \_\_\_\_\_  
promptly and faithfully performs the Contract, then this  
obligation shall be null and void; otherwise it shall remain in full force and effect.

The Surety hereby waives notice of any alteration or extension of time made by the State  
of Maine.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 20....

WITNESSES:

SIGNATURES:

CONTRACTOR:

Signature.....

.....

Print Name Legibly .....

Print Name Legibly .....

SURETY:

Signature .....

.....

Print Name Legibly .....

Print Name Legibly .....

SURETY ADDRESS:

NAME OF LOCAL AGENCY:

ADDRESS .....

.....

.....

.....

.....

TELEPHONE.....

.....

BOND # \_\_\_\_\_

CONTRACT PAYMENT BOND  
(Surety Company Form)

KNOW ALL MEN BY THESE PRESENTS: That \_\_\_\_\_  
\_\_\_\_\_ **and the State of** \_\_\_\_\_, as principal,  
and \_\_\_\_\_  
a corporation duly organized under the laws of the State of \_\_\_\_\_ and having a  
usual place of business in \_\_\_\_\_,  
as Surety, are held and firmly bound unto the Treasurer of the State of Maine for the use  
and benefit of claimants as herein below defined, in the sum of  
\_\_\_\_\_ **and 00/100 Dollars (\$** \_\_\_\_\_ **)**  
for the payment whereof Principal and Surety bind themselves, their heirs, executors and  
administrators, successors and assigns, jointly and severally by these presents.

The condition of this obligation is such that if the Principal designated as Contractor in  
the Contract to construct Project Number \_\_\_\_\_ in the Municipality of  
\_\_\_\_\_ promptly satisfies all claims and demands incurred for all  
labor and material, used or required by him in connection with the work contemplated by  
said Contract, and fully reimburses the obligee for all outlay and expense which the  
obligee may incur in making good any default of said Principal, then this obligation shall  
be null and void; otherwise it shall remain in full force and effect.

A claimant is defined as one having a direct contract with the Principal or with a  
Subcontractor of the Principal for labor, material or both, used or reasonably required for  
use in the performance of the contract.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 20 .. .

WITNESS:

SIGNATURES:

CONTRACTOR:

Signature.....

Print Name Legibly .....

SURETY:

Signature.....

Print Name Legibly .....

SURETY ADDRESS:

NAME OF LOCAL AGENCY:

ADDRESS .....

TELEPHONE .....

## SPECIAL PROVISION PARTNERING

The successful bidder will have the opportunity to enter into a cooperative partnership agreement with the State Department of Transportation for the contract. The objective of this agreement is the effective completion of the work on time and to the standard of quality that will be a source of pride to both the State and the Contractor. The partnering agreement will not affect the terms of the contract. It is intended only to establish an environment of cooperation between the parties. If the partnering agreement is accepted.

1. Contractor shall select and provide a third-party facilitator to conduct the team building workshop for the Contractor and Department personnel. Facilitator selection shall require Department concurrence. The cost for the facilitator and his associated expenses will be shared equally by the Department on the next monthly estimate, following receipt of invoice(s) from the Contractor, on an extra work basis.
2. Contractor and Department will exchange lists of the key personnel to be participants in the workshop. The list will contain the name and job title of each person, a contact phone number, and the address for job related correspondence.
3. The Contractor shall select the location and make all arrangements for space as required by facilitator, and for any meals required. This cost to be shared equally.
4. A working arrangement for the partnership will be agreed upon in writing at the workshop. The arrangement will set out the mutually recognized goals and expectation of the parties.
5. The Contractor and the Department agree to make an effort to maintain identified key personnel assigned to the work for its duration. A timely notice by each shall be given if changes by either must be made.
6. Project issues shall be processed in the manner agreed upon by the parties during the orientation.
7. Follow-up workshops may be held periodically throughout the duration of the contract as agreed by the Contractor and the Department.
8. The Partnering Agreement is not intended to be a legal document. Failure by either party to follow the process identified will not be grounds for any claim under the contract.
9. ARE YOU INTERESTED IN THIS OPPORTUNITY? YES \_\_\_\_\_ NO \_\_\_\_\_

STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION

CHIEF ENGINEER: *[Signature]*  
COMMISSIONER: *[Signature]*  
APPROVED: *[Signature]*  
DATE: 4/5/04

STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION

TRAFFIC DATA

SEC. 1

RTE. 9 NE/O  
STATE ST.

Current (04) AADT 15610  
Future (2024) AADT 18730  
DHY - % of AADT 10  
Design Hour Volume 1873  
% Heavy Trucks (AADT) 3  
Directional Distribution (DHY) 4  
18 kip Equivalent P 2.0 50  
18 kip Equivalent P 2.5 712  
Design Speed (mph) 678  
AS POSTED

SEC. 2

SR 9/178  
SW/O SR 178

9200  
11040  
10  
1104  
7  
5  
62  
664  
632  
AS POSTED

PROJECT NO. NH-1139(800)E

ROUTE 9

PROJECT LENGTH: 3.71 mi.

SCOPE: LEVEL 2 HIGHWAY RESURFACING

LOCATION MAP

2 0 2 4

Scale in Miles

2 0 2 4

Scale in Feet

STATION 197+00  
END PROJECT  
NO. NH-1139(800)E

STATION 100  
BEGIN PROJECT  
NO. NH-1139(800)E

TO EDINGTON

TO BREWER

EDDINGTON

BREWER

EATON BROOK

STA. 167+54 HOUSTON LANE

STA. 159+51 DAY RD.

STA. 93+66 HILLSIDE BLVD.

STA. 80+66 GETTYSBURG ST.

STA. 67+08 TREAT FALLS DR.

STA. 53+64 COUNTY CONSERVATION

STA. 48+81 EAST RD.

STA. 39+82 HILLCREST DR.

STA. 37+25 BROADLAWN DR.

STA. 34+48 PARKWAY NORTH

STA. 25+42 CHAPMAN ST.

STA. 14+21 SILK ST.

STA. 11+38 HARLOW ST.

STA. 8+16 CHAMBERLAIN ST.

STA. 4+39 HOLYOKE ST.

STATE ST.

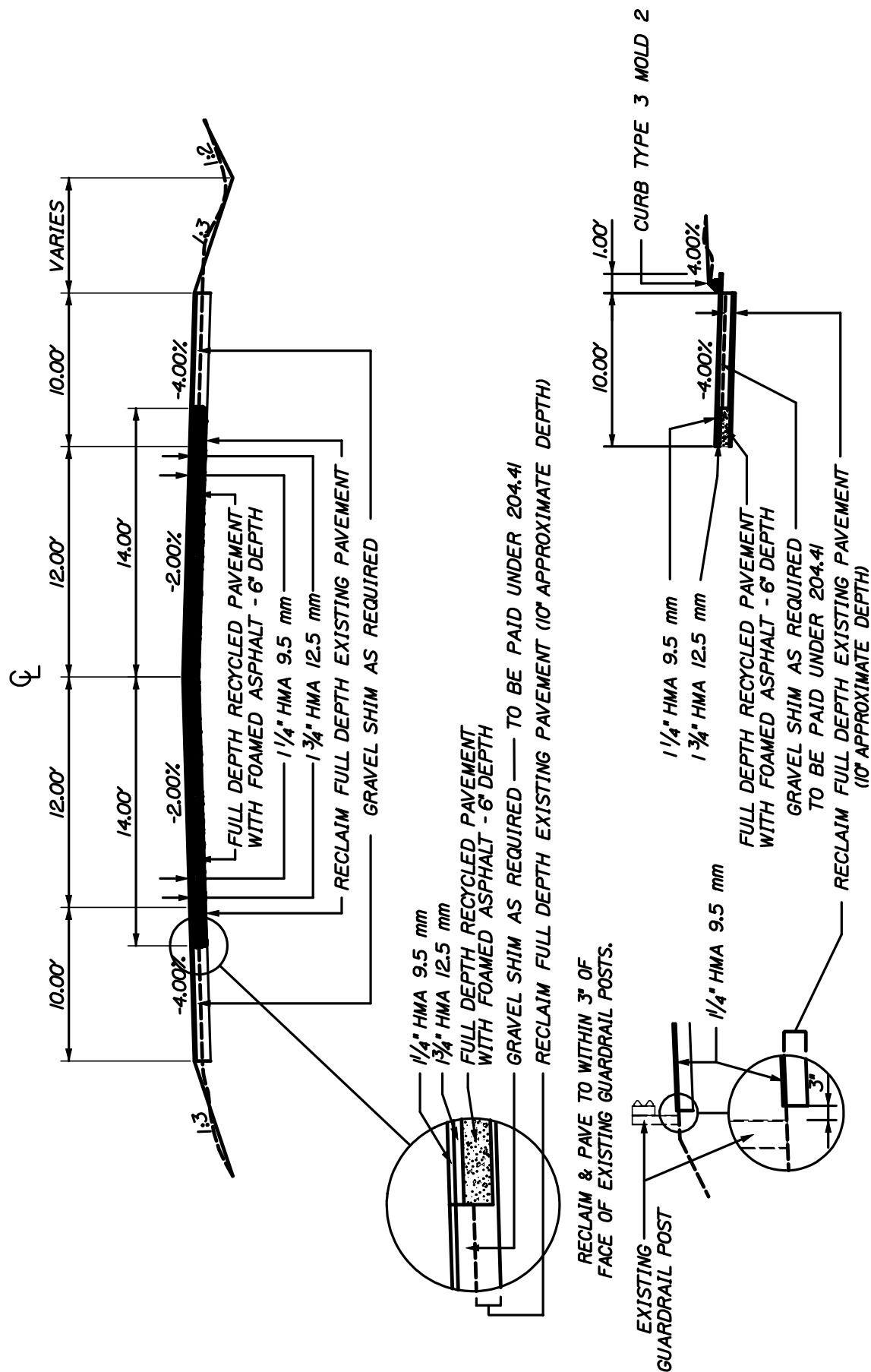
SHIM & 1/4" HOT MIX ASPHALT OVERLAY,  
3" HOT MIX ASPHALT OVER FULL DEPTH  
RECYCLED PAVEMENT WITH FOAMED ASPHALT,  
SAFETY & DRAINAGE IMPROVEMENTS

Filename: ...MSTAN001-Title-Title.dgn

Division: HIGHWAY

Username: billucos

Date: 4/7/2004

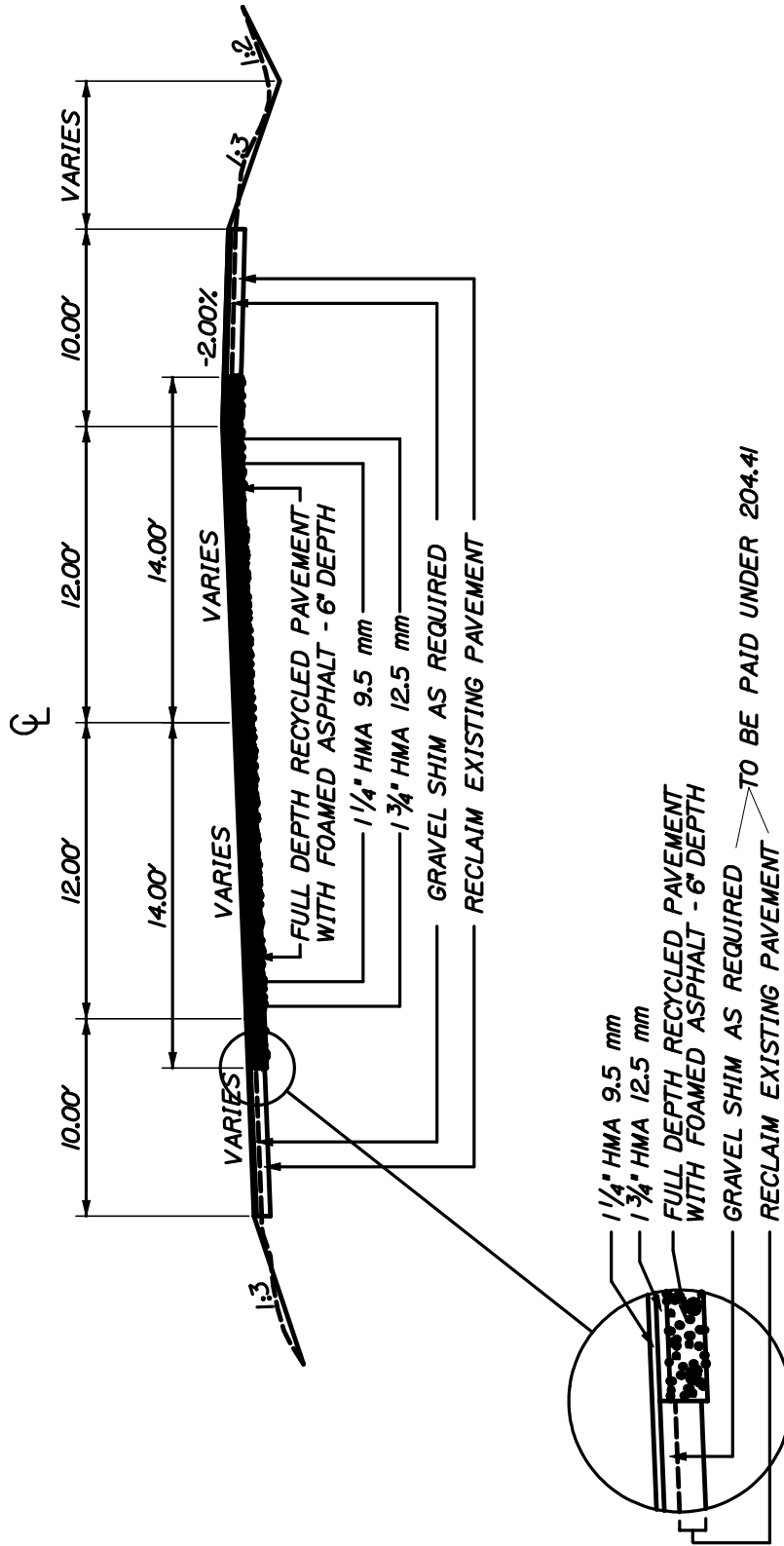


### EXISTING GUARDRAIL AT VARIOUS LOCATIONS LT & RT

## CURB AT VARIOUS LOCATIONS LT & RT

**NOTE: NOT TO SCALE**

# FULL DEPTH RECYCLED PAVEMENT WITH FOAMED ASPHALT - 6" DEPTH SUPERELEVATED



NOTE: NOT TO SCALE

STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION

11398.00

ROUTE 9 BREWER  
PENOBSCOT COUNTY

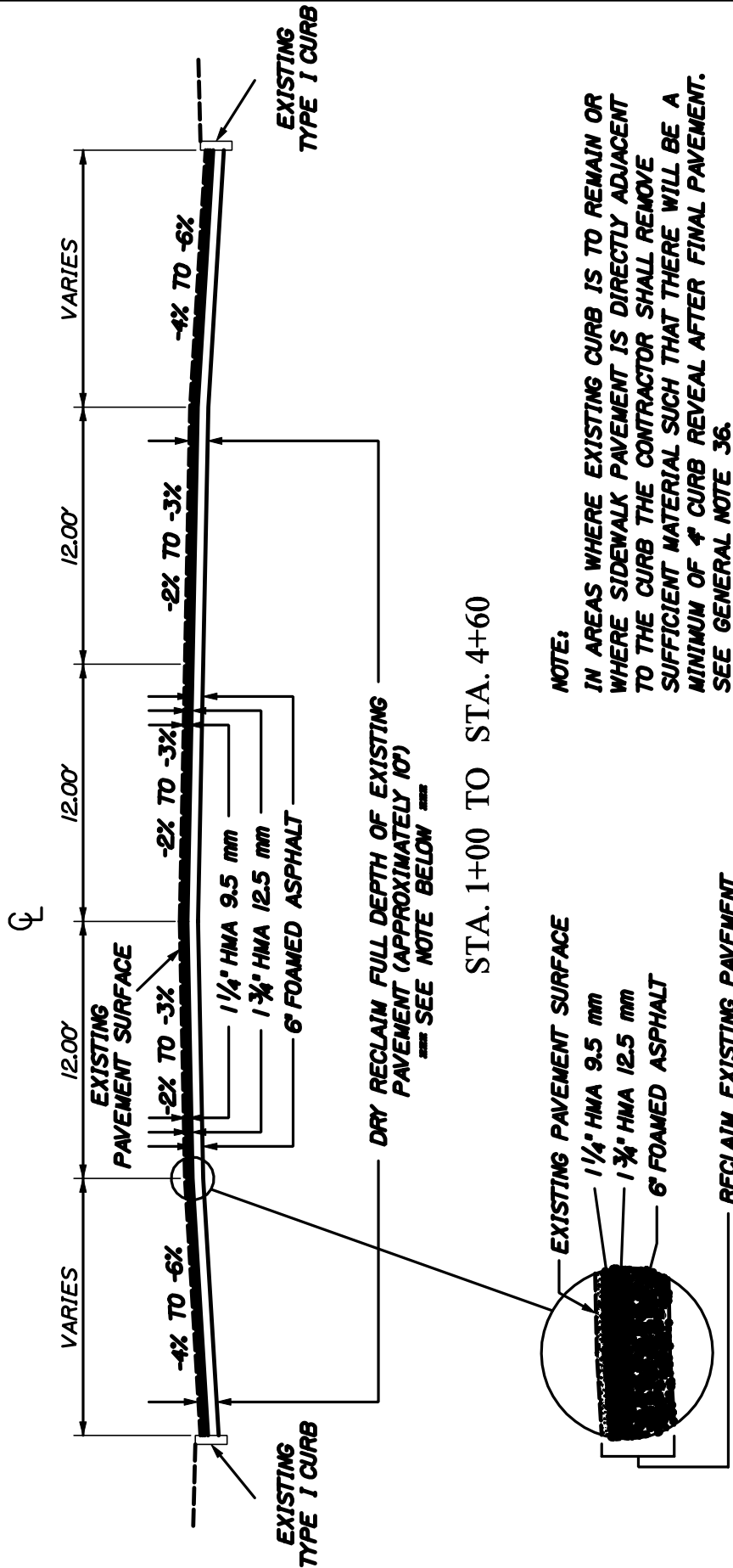
TYPICALS

SHEET NUMBER

2

OF 6

# FULL DEPTH RECYCLED PAVEMENT WITH FOAMED ASPHALT - 6" DEPTH NORMAL



## NOTE:

IN AREAS WHERE EXISTING CURB IS TO REMAIN OR WHERE SIDEWALK PAVEMENT IS DIRECTLY ADJACENT TO THE CURB THE CONTRACTOR SHALL REMOVE SUFFICIENT MATERIAL SUCH THAT THERE WILL BE A MINIMUM OF 4" CURB REVEAL AFTER FINAL PAVEMENT. SEE GENERAL NOTE 36.

NOTE: NOT TO SCALE

STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION

11398.00

ROUTE 9 BREWER  
PENOBSCOT COUNTY

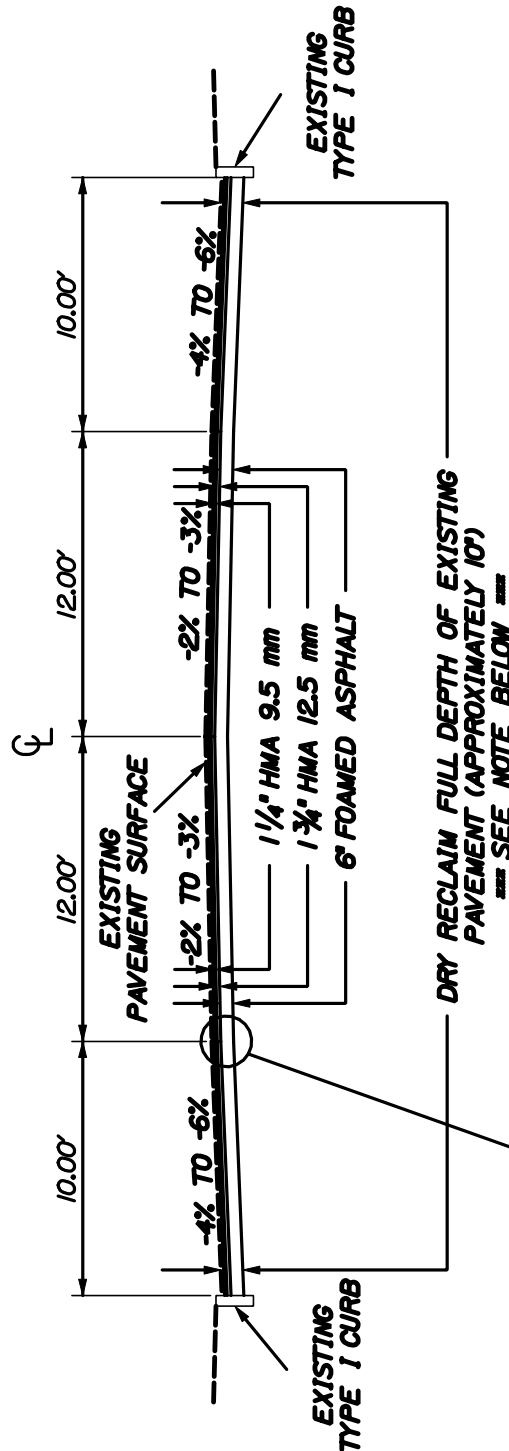
TYPICALS

SHEET NUMBER

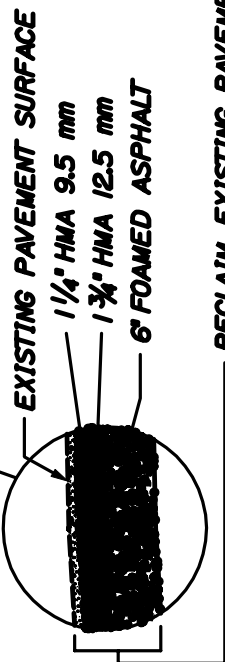
3

OF 6

# FULL DEPTH RECYCLED PAVEMENT WITH FOAMED ASPHALT - 6" DEPTH NORMAL



STA. 4+60 TO STA. 54+00



NOTE:

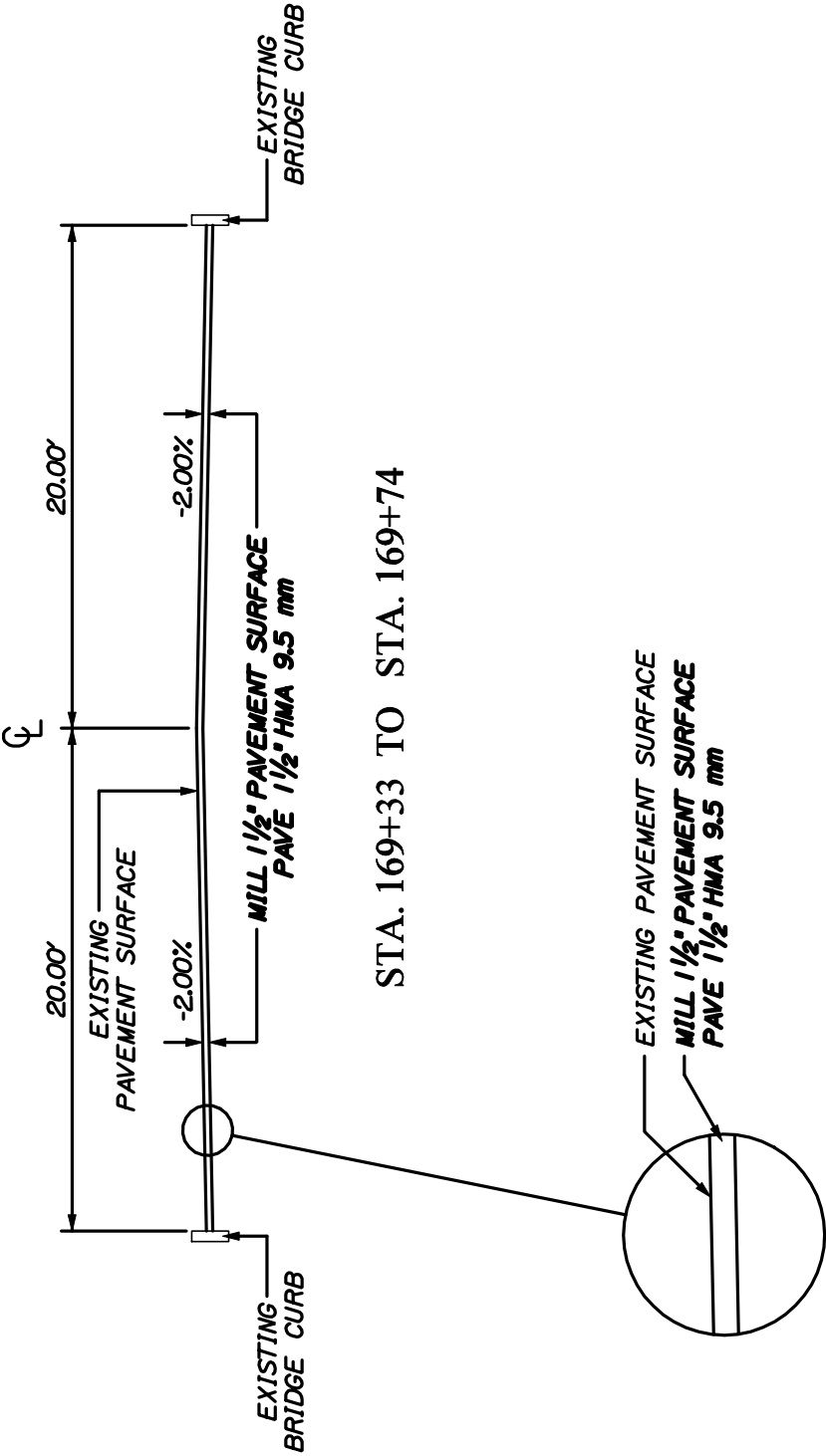
IN AREAS WHERE EXISTING CURB IS TO REMAIN OR WHERE SIDEWALK PAVEMENT IS DIRECTLY ADJACENT TO THE CURB THE CONTRACTOR SHALL REMOVE SUFFICIENT MATERIAL SUCH THAT THERE WILL BE A MINIMUM OF 4" CURB REVEAL AFTER FINAL PAVEMENT. SEE GENERAL NOTE 36.

RECLAIM EXISTING PAVEMENT

NOTE: NOT TO SCALE



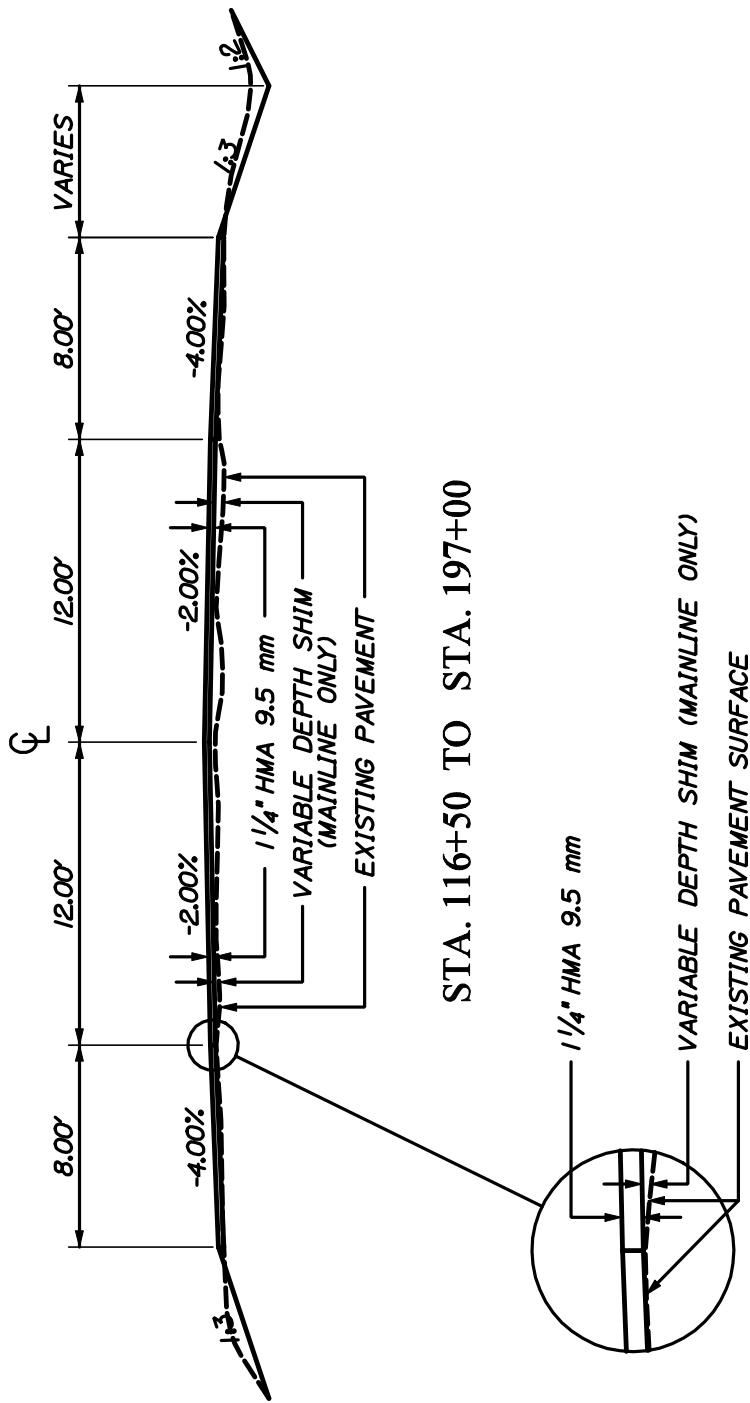
MILL EXISTING BRIDGE DECK SURFACE 1-1/2"  
1-1/2" HOT MIX ASPHALT OVERLAY



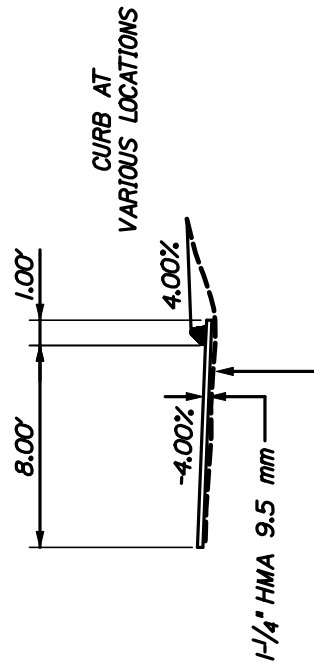
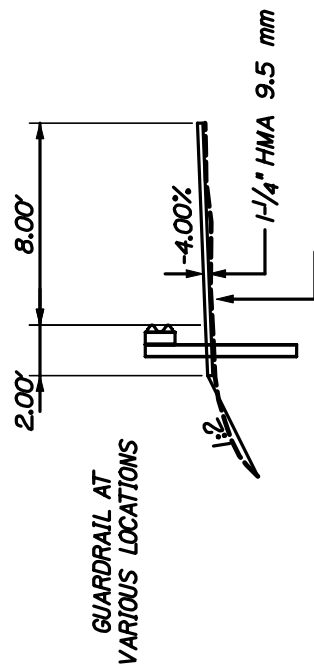
STA. 169+33 TO STA. 169+74

NOTE: NOT TO SCALE

VARIABLE DEPTH SHIM (MAINLINE ONLY) & 1-1/4" HOT MIX ASPHALT OVERLAY



STA. 116+50 TO STA. 197+00



NOTE: NOT TO SCALE

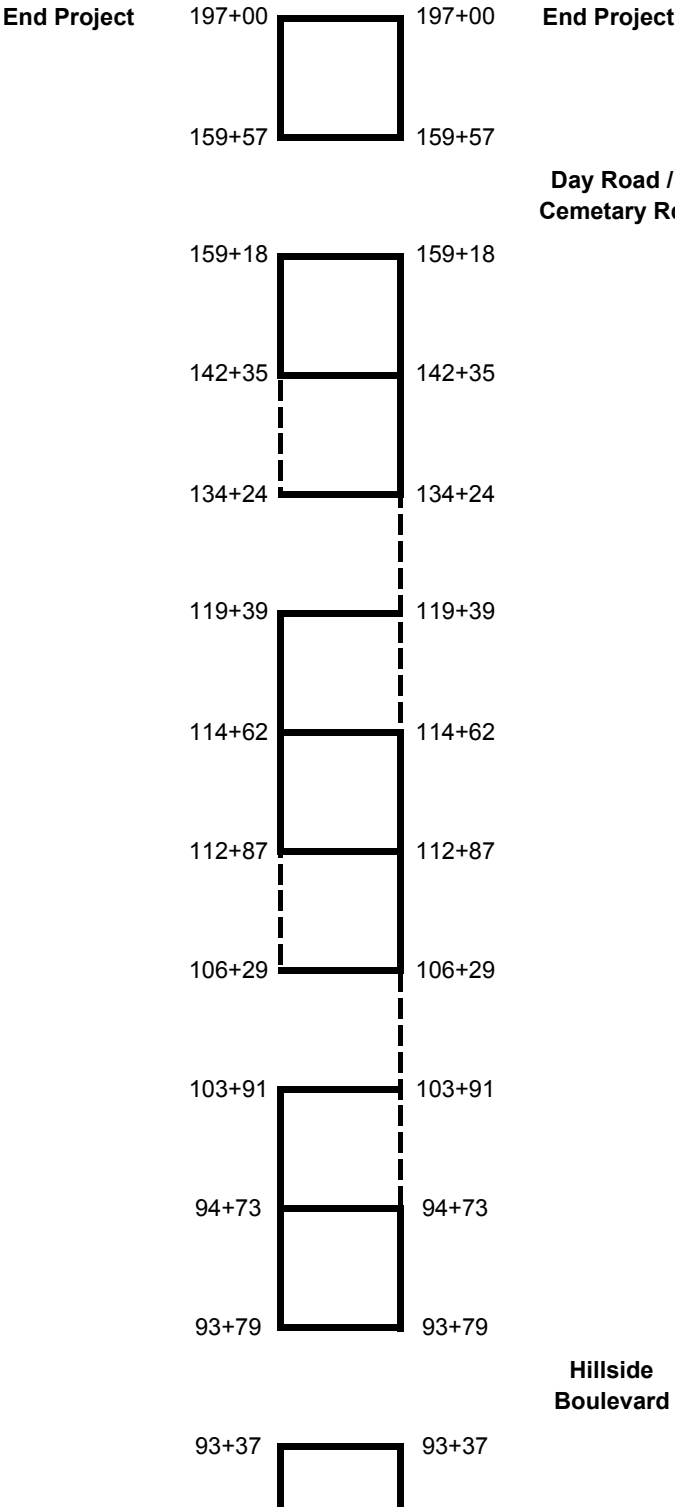
NH-1139(800)E  
BREWER - ROUTE 9  
**PROJECT STATIONING**

Lt	Station	Rt
<b>End Project</b>	197+00	<b>End Project</b>
	167+54	Houston Lane
	159+51	Day Rd.
Public Boat Landing	128+47	
N. Brewer Pumping Station	113+42	
	93+66	Hillside Blvd.
	80+66	Gettysburg St.
	70+94	Colony Motel
Treats Falls Dr.	67+08	
Penobscot County Conservation	53+64	
East Rd.	48+81	
West Rd.	44+46	
	39+82	Hillcrest Dr.
	37+25	Broadlawn Dr.

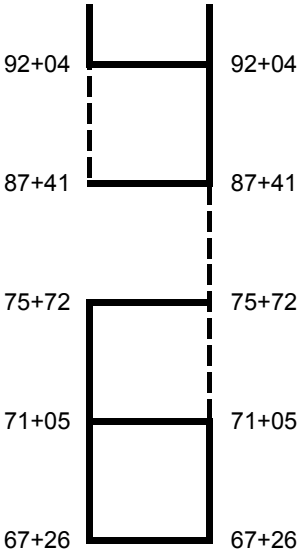
NH-1139(800)E  
BREWER - ROUTE 9  
**PROJECT STATIONING**

Lt	Station	Rt
	34+48	Parkway North
Riverview Terrace	25+51	
	25+42	Chapman St.
James St.	22+84	
	21+30	North Brewer Shopping Center
Allen St.	16+33	
	14+21	Silk St.
	11+38	Harlow St.
Chamberlain St.	8+16	Chamberlain St.
Holyoke St.	4+39	Holyoke St.
Begin Project	1+00	Begin Project

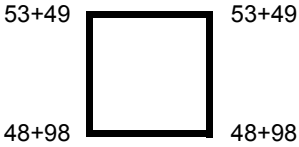
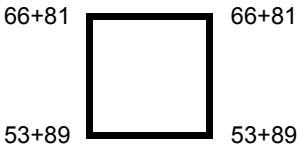
NH-1139(800)E  
BREWER - ROUTE 9  
**PROJECT STRIPING**



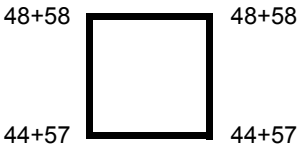
NH-1139(800)E  
BREWER - ROUTE 9  
**PROJECT STRIPING**



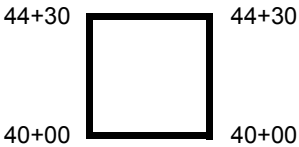
**Treat Falls Dr**



**East Road**



**West Road**



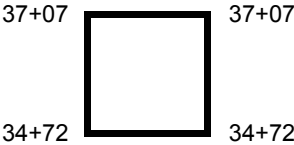
**Hillcrest Dr.**



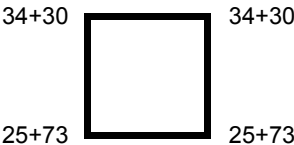
NH-1139(800)E  
BREWER - ROUTE 9  
**PROJECT STRIPING**



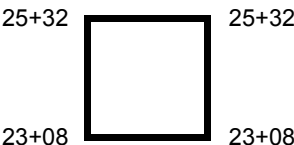
**Broadlawn Dr.**



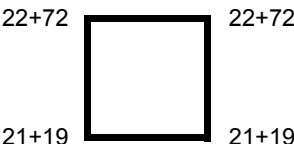
**Parkway North**



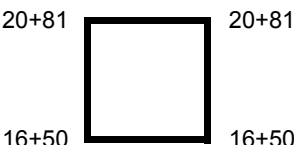
**Chapman St**



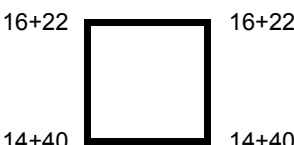
**James St**



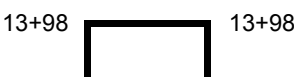
**Gilmore St**



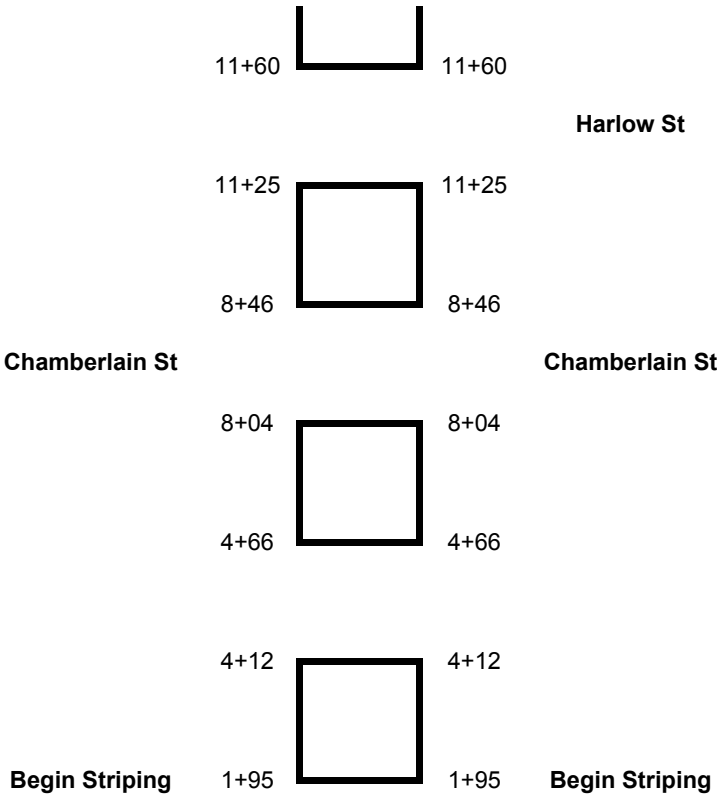
**Allen St**



**Silk St**



NH-1139(800)E  
BREWER - ROUTE 9  
**PROJECT STRIPING**





**SUPERELEVATIONS**

	Left	Station	Right	
End full super	4.1%	114+50	-4.1%	End full super
	"	"	"	
Start full super	4.1%	111+50	-4.1%	Start full super
	2.5%	111+00	-2.5%	
	1.0%	110+50	-2.0%	
	-0.5%	110+00	-2.0%	
	-2.0%	109+50	-2.0%	
	"	"	"	
	-2.0%	96+50	-2.0%	
	-0.5%	96+00	-2.0%	
	1.0%	95+50	-2.0%	
End full super	2.5%	95+00	-2.5%	End full super
	"	"	"	
Start full super	2.5%	92+50	-2.5%	Start full super
	1.0%	92+00	-2.0%	
	-0.5%	91+50	-2.0%	
	-2%	91+00	-2%	
	"	"	"	
	-2%	54+50	-2.0%	
	-2%	54+00	-0.7%	
	-2%	53+50	0.6%	
End full super	-2%	53+00	2.0%	End full super
	"	"	"	
Start full super	-2%	49+00	2.0%	Start full super
	-2%	48+50	0.6%	
	-2%	48+00	-0.7%	
	-2%	47+50	-2%	
	"	"	"	
	-2%	01+50	-2%	
Match Existing		01+00	Match Existing	

**SUPERELEVATIONS**

	Left	Station	Right	
	0.0%	162+00	-2.0%	
End full super	2.0%	161+50	-2.0%	End full super
	"	"	"	
Start full super	2.0%	158+00	-2.0%	Start full super
	0.0%	157+50	-2.0%	
	-2.0%	157+00	-2.0%	
	-0.4%	156+50	-2.0%	
	1.3%	156+00	-2.0%	
	3.0%	155+50	-3.0%	
End full super	4.6%	155+00	-4.6%	End full super
	"	"	"	
Start full super	4.6%	152+50	-4.6%	Start full super
	3.0%	152+00	-3.0%	
	1.3%	151+50	-2.0%	
	-0.4%	151+00	-2.0%	
	-2.0%	150+50	-2.0%	
	"	"	"	
	-2.0%	147+00	-2.0%	
	-0.7%	146+50	-2.0%	
	0.6%	146+00	-2.0%	
End full super	2.0%	145+50	-2.0%	End full super
	"	"	"	
Start full super	2.0%	142+50	-2.0%	Start full super
	0.6%	142+00	-2.0%	
	-0.7%	141+50	-2.0%	
	-2.0%	141+00	-2.0%	
	"	"	"	
	-2.0%	116+50	-2.0%	
	-0.5%	116+00	-2.0%	
	1.0%	115+50	-2.0%	
	2.5%	115+00	-2.5%	

**SUPERELEVATIONS**

	Left	Station	Right	
	Match Existing	197+00	Match Existing	
	"	196+50	"	
	-2.0%	194+00	-2.0%	
	-2.0%	193+50	-0.9%	
	-2.0%	193+00	0.2%	
	-2.0%	192+50	1.3%	
End full super	-2.4%	192+00	2.4%	End full super
	"	00+00	"	
Start full super	-2.4%	180+00	2.4%	Start full super
	-2.0%	179+50	1.3%	
	-2.0%	179+00	0.2%	
	-2.0%	178+50	-0.9%	
	-2.0%	178+00	-2.0%	
	"	"	"	
	-2.0%	172+00	-2.0%	
	-2.0%	1715+00	-0.4%	
	-2.0%	171+00	1.2%	
	-2.8%	170+50	2.8%	
End full super	-4.4%	170+00	4.4%	End full super
	"	"	"	
Start full super	-4.4%	164+50	4.4%	Start full super
	-2.8%	164+00	2.8%	
	-2.0%	163+50	1.2%	
	-2.0%	163+00	-0.4%	
	-2.0%	162+50	-2.0%	

# CONSTRUCTION NOTES

Town : Brewer

PIN 11398.00

Level 2 /Foam

## **Item 202.202 Removing Pavement Surface**

From 1+00 to 1+88 (Before intersection of State Street and Rte. 9) removing pavement surface to a depth of 3" and from station 169+33 – 169+74 (Bridge deck) removing pavement surface to a depth of 1 1/2" as directed by the Resident.

## **Item 202.203 Pavement Butt Joints**

Grind butt joints on all paved drives, entrances, bridge decks, side roads and at the end of the project, as directed by the Resident.

## **Item 204.41 Rehabilitation of Existing Shoulders**

The remainder of the shoulder that's not being foamed under item 309.36 shall be reclaimed under the Rehab of existing shoulder process. Any excess material shall be removed and any material needed shall meet the 204.41 requirements and shall be considered incidental to this item.

## **Item 211.20 Inslope Excavation**

<b>Station</b>		<b>Left</b>	<b>Station</b>		<b>Right</b>
31+83	to	34+74	54+96	to	55+45
40+09	to	43+09	77+83	to	80+27
62+63	to	64+14	80+94	to	81+64
72+83	to	77+42	104+78	to	105+66
77+64	to	79+12	154+52	to	155+21
79+35	to	81+31	180+28	to	181+65
81+42	to	81+95	181+93	to	183+03
82+26	to	83+04	186+85	to	187+68
106+93	to	115+75	187+88	to	188+81
116+07	to	116+67	189+11	to	191+10
118+26	to	122+15			
126+56	to	128+15			
128+52	to	128+73			
137+29	to	138+00			
138+34	to	140+10			
142+00	to	142+90			
171+73	to	172+16			
173+44	to	174+10			
187+23	to	189+72			
188+69	to	189+56			

**Note:** Stations are approximate. Precise locations will be determined in the field by the Resident. Any clearing required is incidental to this item.

## CONSTRUCTION NOTES

Town : Brewer

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### **Item 211.22                      Inslope Excavation Behind Guardrail**

<b>Station</b>		<b>Left</b>	<b>Station</b>		<b>Right</b>
53+87	to	56+68	53+00	to	54+79
70+85	to	72+82	71+26	to	72+71
91+77	to	106+53	106+71	to	111+25
145+31	to	154+94	167+83	to	169+44
169+76	to	171+71	169+62	to	170+41

**Note:** Stations are approximate. Precise locations will be determined in the field by the Resident. Any clearing required is incidental to this item.

### **Item 211.30                      Ditch Excavation**

<b>Station</b>		<b>Left</b>	<b>Station</b>		<b>Right</b>
31+06	to	31+83	55+94	to	57+50
35+30	to	36+22	57+72	to	57+92
36+22	to	39+84	58+27	to	59+03
59+00	to	62+16	59+41	to	61+98
83+26	to	84+46	62+36	to	63+67
84+78	to	85+37	73+75	to	75+31
85+64	to	86+10	75+67	to	75+92
86+30	to	87+41	76+11	to	77+15
87+63	to	88+51	77+36	to	77+87
155+14	to	156+41	81+98	to	83+98
172+16	to	172+29	84+13	to	86+02
174+10	to	174+54	86+30	to	88+18
180+12	to	180+91	88+43	to	89+12
181+69	to	182+44	89+40	to	90+11
182+65	to	182+88	97+56	to	99+10
183+06	to	183+65	99+29	to	100+18
185+00	to	185+77	100+35	to	101+57
186+08	to	187+23	102+08	to	103+55
			103+83	to	104+78
			165+33	to	165+86
			166+15	to	167+13
			170+63	to	171+19
			172+02	to	173+87
			194+00	to	195+05
			195+39	to	197+00

**Note:** Stations are approximate. Precise locations will be determined in the field by the Resident. Any clearing required is incidental to this item.

## CONSTRUCTION NOTES

Town : Brewer

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### **Item 309.36 Full Depth Recycled Pavement (With Foamed Asphalt)**

Station		Station	Width (Ft)	Depth (in)
01+88	to	03+28	49.7	6
03+28	to	04+60	46.4	6
04+60	to	54+00	44.25	6
54+00		197+00	28	6

**Note:** Foamed asphalt treatment will be applied to each 12 ft lane and will extend 2 ft into each shoulder. The remainder of the shoulder will be addressed under item 204.41 Rehab of existing shoulders. Where Type I granite curb is present on both sides of the road the foaming process will be from curb to curb.

### **Item 403.209 Hot Mix Asphalt 9.5 mm (Incidentals)**

183 Paved Drives

14 Gravel Drives w/ Paved Lips (3 Ft)

**Note:** Approximate stations are available upon request to Division 3 office.

### **Item 411.10 Untreated Aggregate Surface Crs, Truck Measure**

**Note:** This item will be used to back up paved lips on gravel driveways and as directed by Resident.

### **Item 603.16 15" Culvert Pipe Option I (driveway culverts)**

Station	Side	Approx. Length (Ft)	Station	Side	Approx. Length (Ft)
53+80	Lt.	40	62+20	Rt.	34
56+75	Lt.	40	77+21	Rt.	30
84+66	Lt.	40	88+33	Rt.	30
159+55	Lt.	10	89+25	Rt.	30
169+00	Lt.	70	103+69	Rt.	40
183+74	Lt.	40	167+45	Rt.	60
			174+00	Rt.	30
			181+83	Rt.	30

### **Item 603.17 18" Culvert Pipe Option I**

Station	Side	Approx. Length (Ft)
174+18	Lt.	74

## CONSTRUCTION NOTES

### **Item 603.179          18" Culvert Pipe Option III**

Station	Side	Approx. Length (Ft)
57+85	x-pipe	209
63+11	x-pipe	78
114+22	x-pipe	62
125+87	x-pipe	40
133+00	x-pipe	46
135+00	x-pipe	40
137+45	x-pipe	54
142+65	x-pipe	68
151+89	x-pipe	62
172+00	x-pipe	78

### **Item 603.199          24" Culvert Pipe Option III**

Station	Side	Approx. Length (Ft)
33+41	x-pipe	116
78+00	x-pipe	78
97+52	x-pipe	74
107+89	x-pipe	45
150+53	x-pipe	52

### **Item 603.35          48" RCP Class III**

Station	Side	Approx. Length (Ft)
154+97	Lt.	112

**Note:** The culvert sections that are in good condition will become property of the MDOT.

### **Item 604.161          Altering Catch-basin**

Station	Side	Quantity
107+93	Rt.	1

### **Item 604.18          Adjust Catch-basin and Manhole To Grade**

Station	Side	Station	Side	Notes
01+15	Lt.	01+10	Rt.	
01+33	Lt.	08+45	Rt.	
02+87	Lt.	11+63	Rt.	Adjust Header
04+17	Lt.	20+64	Rt.	Adjust Header

## CONSTRUCTION NOTES

### **Item 604.18                      Adjust Catch-basin and Manhole To Grade Cont'd**

04+68	Lt.	25+67	Rt.	Adjust Header
07+93	Lt.	28+42	Rt.	Adjust Header
08+49	Lt.	33+26	Rt.	Adjust Header
11+55	Lt.	36+00	Rt.	Adjust Header
16+43	Lt.	40+28	Rt.	Adjust Header
20+64	Lt.	44+41	Rt.	Adjust Header
22+56	Lt.	65+95	Rt.	
25+23	Lt.	69+70	Rt.	
25+72	Lt.	114+20	Rt.	
28+42	Lt.	120+15	Rt.	
44+60	Lt.	125+89	Rt.	
53+43	Lt.	128+48	Rt.	
157+47	Lt.	137+46	Rt.	
159+57	Lt.	146+39	Rt.	
168+26	Lt.	150+54	Rt.	
174+90	Lt.	151+89	Rt.	
193+15	Lt.	157+33	Rt.	
194+52	Lt.	159+59	Rt.	
195+33	Lt.	175+09	Rt.	
196+68	Lt.			

**Note:** The tops of C.B. will need to be removed prior to the foaming process and replaced or adjusted to grade prior to paving.

### **Item 604.164                      Rebuild Catchbasin**

Station	Side	Quantity	Comments
04+74	Rt.	1	
25+20	Rt.	1	adjust header
133+00	Rt.	1	
135+00	Rt.	1	Storm-water Manhole

### **Item 606.1731                      Bridge Connection Type 1**

Station	Side	Station	Side
169+33	Lt.	169+44	Rt.
169+76	Lt.	169+76	Rt.

### **Item 606.178                      Guardrail Beam**

To be used in various locations as directed by Resident



## CONSTRUCTION NOTES

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### **Item 606.23                  Guardrail Type 3C – Single Rail**

<b>Station</b>	<b>Station</b>	<b>Side</b>	<b>Estimated # of sections</b>
53+79	54+49	Lt.	6
55+98	56+60	Lt.	5
70+73	71+09	Lt.	3
72+59	73+00	Lt.	3
91+77	93+70	Lt.	15
98+16	100+90	Lt.	22
145+17	145+66	Lt.	4
154+61	154+99	Lt.	3
168+51	168+89	Lt.	3
171+32	172+25	Lt.	7
54+65	55+61	Rt.	8
71+26	71+63	Rt.	3
72+37	72+71	Rt.	3
110+61	111+25	Rt.	5

### **Item 606.47                  Single Wood Post**

To replace mailbox posts as directed by Resident

### **Item 606.754                  Widen Shoulder For 350 Flare**

<b>Station</b>		<b>Left</b>	<b>Station</b>		<b>Right</b>
105+84	to	106+89	106+17	to	107+22

**Note:** These stations are approximate. Exact locations to be determined in the field by the Resident.

### **Item 606.79                  Guardrail Flared 350 Terminal**

<b>Station</b>		<b>Left</b>	<b>Station</b>		<b>Right</b>
106+16	to	106+53	106+71	to	107+08

**Note:** These stations are approximate. Exact locations to be determined in the field by the Resident.

# CONSTRUCTION NOTES

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## Item 609.31      Curb Type 3

Station		Left	Notes	Station		Right	Notes
43+00	to	44+30	New	63+62	to	65+97	Replace
44+52	to	45+10	New	69+28	to	69+89	Replace
45+24	to	45+32	New	70+02	to	70+70	Replace
45+47	to	46+41	New	72+99	to	73+57	New
46+65	to	48+56	Replace	90+40	to	91+26	New
56+91	to	57+48	New	91+43	to	93+36	New
57+62	to	57+83	New	93+85	to	94+10	New
58+29	to	59+00	New	94+38	to	97+56	New
64+46	to	66+85	New	111+65	to	112+46	New
67+17	to	67+80	New	113+70	to	114+52	Replace
68+20	to	68+60	New	114+67	to	116+39	Replace
69+28	to	70+44	Replace	116+51	to	117+06	Replace
.87+80	to	88+56	New	117+36	to	117+89	Replace
88+72	to	89+47	New	118+24	to	120+25	New
89+71	to	91+53	New	126+86	to	127+90	Replace
108+96	to	110+72	Curb Island	128+02	to	128+52	Replace
116+67	to	117+27	New	128+64	to	129+40	Replace
117+65	to	118+26	New	129+55	to	130+52	Replace
122+32	to	122+44	New	130+67	to	131+68	Replace
122+63	to	124+52	New	131+81	to	135+04	Replace
124+78	to	124+89	New	133+69	to	134+75	New
125+14	to	125+84	New	135+44	to	135+85	Replace
126+11	to	126+56	New	136+24	to	139+21	Replace
128+89	to	129+88	New	139+58	to	141+78	Replace
129+88	to	130+64	Replace	141+92	to	142+52	Replace
130+86	to	131+47	New	144+12	to	144+52	Replace
131+60	to	132+11	New	144+72	to	146+43	Replace
132+46	to	133+07	New	150+28	to	151+33	Replace
133+20	to	133+99	New	151+54	to	151+88	Replace
134+43	to	135+04	New	152+17	to	153+35	Replace
135+26	to	136+35	Replace	159+48	to	160+34	Replace
136+53	to	137+29	Replace	160+45	to	160+82	Replace
140+82	to	141+24	New	163+34	to	164+50	Replace
156+41	to	157+28	Replace	171+19	to	171+71	New
157+48	to	158+25	Replace	174+09	to	174+33	New
158+43	to	159+06	Replace	176+57	to	176+90	Replace
159+27	to	159+95	Replace	177+14	to	178+27	Replace
160+09	to	160+58	New	178+42	to	179+20	New
160+81	to	161+76	New	179+35	to	179+57	New
161+96	to	162+20	New	179+71	to	180+18	New
162+55	to	163+62	Replace	183+17	to	183+39	New
163+84	to	164+70	Replace	183+53	to	184+44	New
167+20	to	167+70	Replace	184+67	to	184+81	New
167+89	to	168+32	Replace	185+01	to	186+07	New

## CONSTRUCTION NOTES

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### Item 609.31      Curb Type 3 Cont'd

172+29	to	172+98	New	186+26	to	186+86	New
173+17	to	173+44	New	191+08	to	191+54	New
174+93	to	177+88	Replace	191+72	to	192+49	New
178+11	to	179+82	New	192+68	to	194+03	New
180+88	to	181+37	New				
183+97	to	184+81	New				
187+97	to	188+48	Replace				
191+59	to	192+09	Replace				
193+64	to	193+86	Replace				
195+26	to	195+52	Replace				
196+08	to	196+53	Replace				

### Item 609.38      Reset Curb Type I

Station		Left	Station		Right
21+55	to	22+17	26+97	to	27+22
22+52	to	22+70	27+38	to	28+11
22+96	to	23+75	28+26	to	29+01
23+94	to	24+52	29+17	to	30+25
24+83	to	25+37	30+45	to	30+92
25+65	to	25+92	31+10	to	34+28
26+32	to	26+44	34+70	to	35+47
26+83	to	27+31	35+62	to	37+09
27+46	to	27+87	37+43	to	39+66
28+07	to	28+84	39+98	to	40+60
29+03	to	29+08	40+78	to	42+01
29+36	to	30+50	42+14	to	42+82
48+92	to	50+00	42+96	to	43+04
50+27	to	53+44	43+20	to	43+99
			44+14	to	45+76
			45+92	to	46+46
			46+73	to	47+37
			47+55	to	47+70
			48+13	to	48+67
			48+87	to	49+76
			49+93	to	52+34

### Item 610.08      Plain Riprap

At pipe outlets and/or inlets as directed by the Resident.

## CONSTRUCTION NOTES

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### **Item 613.319 Temporary Erosion Control Blanket (4 ft. wide)**

It is intended to apply this item in all areas of Ditching (Item 203.203) and as directed by the Resident.

### **Item 620.58 Erosion Control Geotextile**

All areas that receive Riprap (Item 610.08) will receive erosion control geotextile as directed by the Resident.

### **Item 627.76 Temporary Pavement Mark Line, White or Yellow**

To be used on once on the foamed asphalt and once on each layer of pavement, including base and surface.

### **Item 631.12 All Purpose Exc. (Including Operator)**

This item will be used to cut through the foamed layer so that the contractor will be able to get to the catchbasins and manholes to raise and lower them as directed by Resident.

### **Item 631.32 Culvert Cleaner (Including Operator)**

Clean drive pipes & cross-pipes as directed by the Resident.

**GENERAL NOTES**

1. All joints between existing and proposed hot bituminous pavement shall be butted. Payment shall be made under Item 202.203 Pavement Butt Joint.
2. Construct Butt Joints at all paved drives and entrances.
3. Where deemed necessary by the Resident, winter sand shall be removed from the edges of shoulders and placed in designated areas or disposed of. Payment will be made under the appropriate hourly rental items.
4. The Contractor shall place suitable existing material or other material acceptable to the Resident, on all pavement edges to allow no greater than a 1 ½" drop-off and be graded to 3:1 or flatter. Payment to be incidental to the contract.
5. All wood posts on 350 terminal end installations shall be cut so that no more than 1" is exposed above the beam.
6. All waste material not used on the project shall be disposed of off the project in waste areas approved by the Resident
7. Any damage to the slopes caused by the Contractor's equipment, personnel, or operation shall be repaired to the satisfaction of the Resident. All work, equipment and materials required to make repairs shall be at the Contractor's expense.
8. A three foot (3') paved lip shall be placed at all gravel entrances, except woods and field entrances, unless otherwise directed by the Resident.
9. Item # 411.10, Untreated Aggregate Surface Course, may also meet the gradation requirements of item # 204.20, Add Shoulder Aggregate.
10. Any necessary cleaning of existing pavement prior to paving shall be incidental to the related paving items.
11. All existing paved shoulders and widening to be resurfaced as directed by the Resident.
12. When super elevation exceeds the slope of the low side shoulder, the shoulder will have same slope as traveled way.
13. No existing drainage shall be abandoned, removed or plugged without prior approval of the Resident.

14. The following shall be incidental to the 603 item(s):

Any cutting of existing culverts and or connectors necessary to install new culvert replacements or extensions  
All pipe excavation including any cutting and removal of pavement  
All ditching at pipe ends  
Furnishing, placing, grading, and compacting of any new gravel and/or fill material including Granular Borrow used for pipes and for temporary detours to maintain traffic during pipe installation (excavation is also incidental).  
Granular Borrow under the pipe shall meet the requirements for Underwater Backfill  
All work necessary to connect to existing pipes  
Flow lines may be changed by 1.5 Ft.  
Any necessary clearing of brush and small trees at culvert ends

15. Existing culverts and catch basins will be cleaned as directed by the Resident under the appropriate Pay Items.

16. As directed by the Resident, all existing Underdrain Outlets shall be located, cleaned out and ditched as required or replaced as necessary.

17. All connections for Underdrain to roadway culverts will be incidental to U.D. pipe items.

18. Two guardrail delineator posts will be installed at the leading end and one at the trailing end of each run of guardrail. One delineator post will also be installed at each underdrain outlet.

19. 350 Flared Terminals shall be installed concurrently with the placement of each section of beam guardrail.

20. Guardrail which is removed and not reused on the project becomes property of the Contractor. Removal, delivery, dismantling, and stacking shall be incidental to the guardrail items.

21. Holes created by Guardrail removal will be filled and compacted with approved materials as directed by the Resident. Payment to be considered incidental to the guardrail items.

22. Removal and disposal shall be considered incidental to the guardrail items.

23. Reflectorized silver white beam guardrail delineators shall be mounted on all new, modified, removed modified and reset, or removed and reset guardrail. Delineators shall be installed on every tenth post in a tangent and every fifth post on curves. Reflectorized beam guardrail delineators shall meet the requirements of section 719.01. The delineators

shall be mounted on the guardrail beam at the posts. Beam guardrail delineators will not be paid for directly, but will be considered incidental to the guardrail items.

24. Where curb type 3 is installed under guardrail, the maximum reveal shall be 4 inches.
25. Backing up bituminous curb is incidental to the curb items. In areas where new bituminous curb is designated to replace existing, the removal of the old bituminous curb shall be incidental to the new curb.
26. No separate payment for Superintendent or Foreman will be made for the supervision of equipment being paid under appropriate rental items.
27. Trim all tree branches to 20 feet above pavement. Payment shall be made under labor and equipment rental items.
28. "Undetermined Locations", as stated in the Construction Notes, shall be determined by the Resident.
29. Stations referenced in the Construction Notes are approximate.
30. Grind transition tapers at Catch Basins under Item No. 202.203, Pavement Butt Joints, as directed by the Resident.
31. All work shall be done in accordance with the Maine Department of Transportation's Best Management Practices for Erosion Control & Sediment Control, January, 2000.
32. All inslope and ditches in cut areas shall be regraded to 3:1, or flatter, as directed by the Resident.
33. Before any removal of pavement surface or paving can begin, all project stationing must be clearly marked out every 50 ft with either flats or paint. If painted on the roadway, stations must be marked on each lift of pavement.
34. Plan and profile sheets for the previously constructed projects covering this project are available upon request.
35. MDOT will final stripe the project. The Contractor is responsible for transferring the existing striping pattern to the surface course within 24 hours of placing surface.
36. All excess reclaim material shall be taken to Whiting Hill. This work will be incidental to Item 309.36 ( Foamed asphalt).

General Decision Number ME030010 06/13/2003 ME10

Superseded General Decision No. ME020010

State: Maine

Construction Type:  
HIGHWAYCounty(ies):  
PENOBSCOT

HIGHWAY CONSTRUCTION PROJECTS excluding major bridging  
(for example: bascule, suspension and spandrel arch bridges;  
those bridging waters presently navigating or to be navigable;  
and those involving marine construction in any degree); tunnels,  
building structures in rest area projects and railroad  
construction.

Modification Number	Publication Date
0	06/13/2003

COUNTY(ies):  
PENOBSCOT

ENGI0004M 04/01/2003

	Rates	Fringes
POWER EQUIPMENT OPERATORS:		
Grader	16.51	6.00
Paver	16.51	6.00
Roller	16.51	6.00

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SUME4026A 10/24/2000

	Rates	Fringes
CARPENTER		
Including Form Work	11.19	1.72
CEMENT MASON/FINISHERS	9.13	
IRONWORKERS		
Stuctural	17.50	1.70
LABORERS		
Landscape	7.84	
Rakers	10.18	2.14
Unskilled	8.73	1.71
POWER EQUIPMENT OPERATORS		
Backhoes	11.81	1.88
Bulldozers	13.12	2.72
Cranes	15.25	1.70
Excavators	11.69	2.40
Loaders	12.21	3.19
TRUCK DRIVERS		
Dump	9.27	
Two Axle	9.12	1.63
Tri Axle	10.63	2.11

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WELDERS - Receive rate prescribed for craft performing operation  
to which welding is incidental.



Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).

In the listing above, the "SU" designation means that rates listed under that identifier do not reflect collectively bargained wage and fringe benefit rates. Other designations

indicate unions whose rates have been determined to be prevailing.

#### WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- \* an existing published wage determination
- \* a survey underlying a wage determination
- \* a Wage and Hour Division letter setting forth a position on a wage determination matter
- \* a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations  
Wage and Hour Division  
U. S. Department of Labor  
200 Constitution Avenue, N. W.  
Washington, D. C. 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator  
U.S. Department of Labor  
200 Constitution Avenue, N. W.  
Washington, D. C. 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board  
U. S. Department of Labor  
200 Constitution Avenue, N. W.  
Washington, D. C. 20210

4.) All decisions by the Administrative Review Board are final.  
END OF GENERAL DECISION

□

SPECIAL PROVISION  
CONSTRUCTION AREA

A Construction Area located in the **City of Brewer** has been established by the Maine Department of Transportation in accordance with provisions of Title 29, Section 1703, Maine Revised Statutes Annotated.

The section of highway under construction in Penobscot County, project NH-1139(800)E is located on Route 9, beginning 0.08 of a mile easterly of State Street and extending easterly 3.71 miles to the Eddington town line.

The State Department of Transportation or the State's Engineer may issue permits for stated periods of time for moving construction equipment without loads, low-bed trailers with overloads, over-height, over-width or over-length equipment or materials over all State maintained sections described in the "Construction Area" above and in addition may issue permits for stated periods of time for moving overweight vehicles and loads over the section described in (a) above. The right to revoke such a permit at any time is reserved by the State Department of Transportation and the issuance of such permits shall be subject to any Special Provisions or Supplemental Specifications written for this project.

A Temporary Permit for each move may be issued by the State Department of Transportation or the State's Engineer for moving Contractor's construction equipment used on the project which exceeds the legal limits (shovels, bulldozers, etc.) to sources of construction material over highways maintained by the State reasonably within the area of the project.

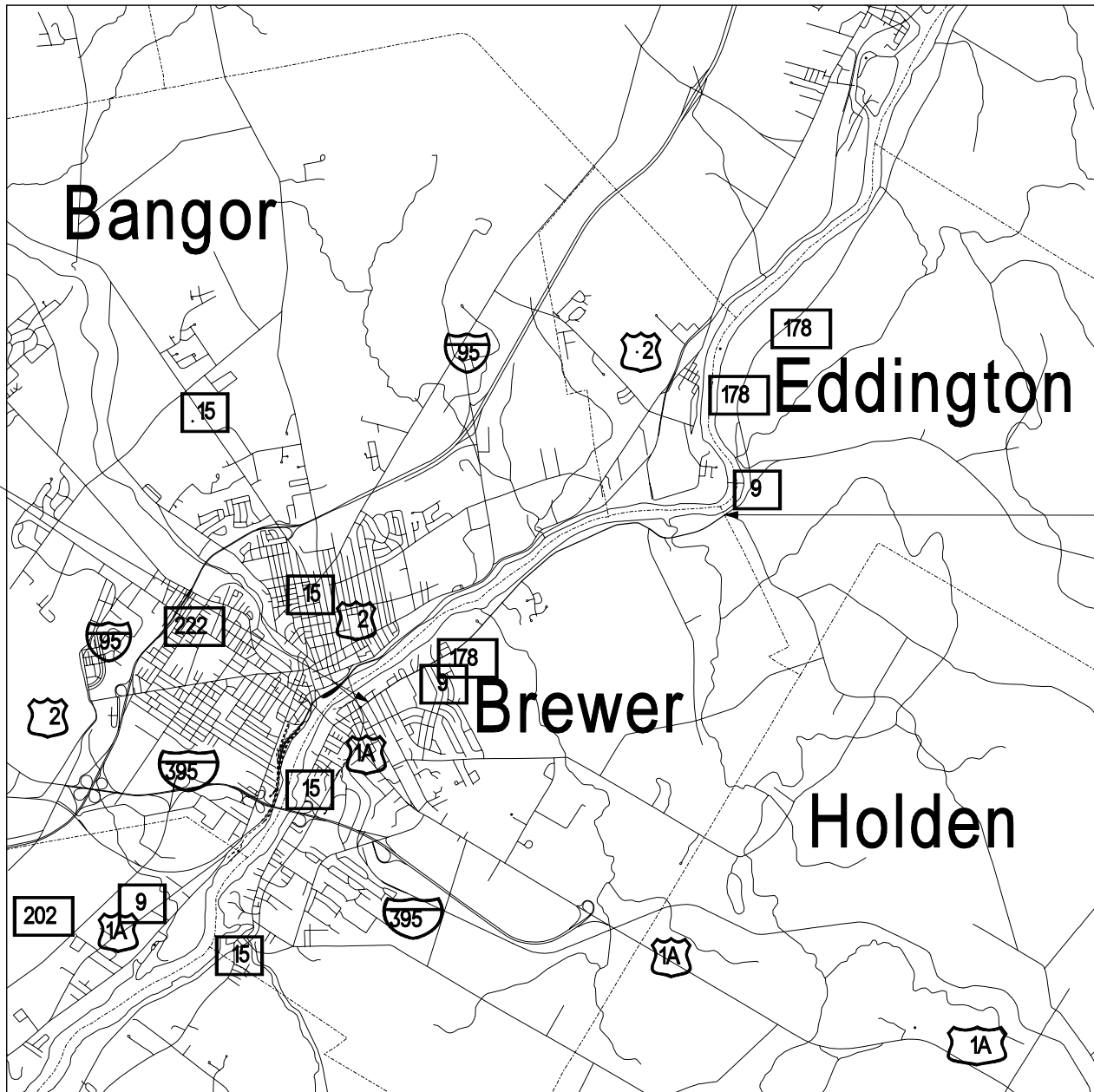
The Municipal Officers for the **City of Brewer** agreed that a permit will be issued to the Contractor for the purpose of hauling loads in excess of the limits as specified in Title 29, Maine Revised Statutes Annotated, on the town ways as described in the "Construction Area" and that single move permits will be issued for moving Contractor's construction equipment used on the project which exceeds the legal limits (shovels, bulldozers, etc.) to sources of construction material over town ways reasonably within the area of the project.

In the event it is necessary to transport gravel, borrow, or other construction material in legally registered vehicles carrying legal loads over town ways, a Contractor's Bond of not more than Nine Thousand (\$9,000.00) per kilometer of traveled length may be required by the town, the exact amount of said bond to be determined prior to use of any town way.

The maximum speed limits for trucks on any town way will be forty (40) km per hour [25 mph], unless a higher legal limit is specifically agreed upon in writing by the Municipal Officers concerned.

# NH-1139(800)E

— STA. 1+00 BEGIN PROJECT  
STA. 197+00 END PROJECT —



LOCATION MAP



Scale in Miles

SPECIAL PROVISION  
CONSTRUCTION AREA

Title 29A, M.R.S.A., Subsection 2383. Overlimit movement permits

1. Overlimit movement permits issued by State. The Secretary of State, acting under guidelines and advice of the Commissioner of Transportation, may grant permits to move non-divisible objects having a length, width, height or weight greater than specified in this Title over a way or bridge maintained by the Department of Transportation.
2. Permit Fee. The Secretary of State, with the advice of the Commissioner of Transportation, may set the fee for these permits, at not less than \$3, nor more than \$15, based on weight, height, length and width.
3. County and municipal permits. A permit may be granted, for a reasonable fee, by county commissioners or municipal officers for travel over a way or bridge maintained by that county or municipality.
4. Permits for weight. A vehicle granted a permit for excess weight must first be registered for the maximum gross vehicle weight allowed for that vehicle.
5. Special mobile equipment. The Secretary of State may grant a permit, for no more than one year, to move pneumatic-tire equipment under its own power, including Class A and Class B special mobile equipment, over ways and bridges maintained by the Department of Transportation. The fee for that permit is \$15 for each 30-day period.
6. Scope of permit. A permit is limited to the particular vehicle or object to be moved and particular ways and bridges.
7. Construction permits. A permit for a stated period of time may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The Permit:
  - A. Must be procured from the municipal officers for a construction area within that municipality;
  - B. May require the Contractor to be responsible for damage to ways used in the construction areas and may provide for:
    - (1) Withholding by the agency of the work of final payment under contract; or
    - (2) The furnishing of a bond by the Contractor to guarantee suitable repair or payment of damages.
  - C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and
  - D. For construction areas, carries no fee and does not come within the scope of this section.
8. Gross vehicle weight permits. The following may grant permits to operate a vehicle having a gross vehicle weight exceeding the prescribed limit:

- A. The Secretary of State, with the consent of the Department of Transportation, for state and state aid highways and bridges within city or compact village limits;
  - B. Municipal officers, for all other ways and bridges within that city and compact village limits; and
  - C. The county commissioners, for county roads and bridges located in unorganized territory.
9. Pilot vehicles and state police escorts. Pilot vehicles required by a permit must be equipped with warning lights and signs as required by the Secretary of State with the advice of the Department of Transportation.

Warning lights may only be operated and lettering on the signs may only be visible on a pilot vehicle while it is escorting on a public way a vehicle with a permit.

The Secretary of State shall require a State Police escort for a single vehicle or a combination of vehicles of 125 feet or more in length or 16 feet or more in width. The Secretary of State, with the advice of the Commissioner of Transportation, may require vehicles of lesser dimensions to be escorted by the State Police.

The Bureau of State Police shall establish a fee for State Police escorts.

All fees collected must be used to defray the cost of services provided.

With the advice of the Commissioner of Transportation and the Chief of the State Police, the Secretary of State shall establish rules for the operation for the operation of pilot vehicles.

10. Taxes paid. A permit for a mobile home may not be granted unless the applicant provides reasonable assurance that all property taxes, sewage disposal charges and drain and sewer assessments applicable to the mobile home, including those for the current tax year, have been paid or that the mobile home is exempt from those taxes.

1993, c. 683, § S-2, eff. January 1, 1995.

### Historical and Statutory Notes

#### Derivation:

R.S. 1954, c. 22 § 98  
Laws 1955, c. 389  
Laws 1967, c. 3.  
Laws 1971, c. 593, § 22.  
Laws 1973, c. 213.  
Laws 1975, c. 130, §  
Laws 1975, c. 319, § 2

Laws 1977, c. 73, § 5.  
Laws 1981, c. 413.  
Laws 1985, c. 225, § 1  
Laws 1987, c. 52.  
Laws 1987, 781, § 3.  
Laws 1989, c. 866, § B-13.  
Laws 1991, c. 388, § 8.  
Laws 1993, c. 683, § A-1.  
Former 29 M.R.S.A. § 2382.

#### Cross Reference

Collection by Secretary of State, See 29-A  
M.R.S.A. § 154.

**SPECIAL PROVISION**  
(Consolidated Special Provisions)

**SPECIAL PROVISION SECTION 101**  
**CONTRACT INTERPRETATION**

**101.2 Definitions - Closeout Documentation**

Replace the sentence “A letter stating the amount..... DBE goals.” with “DBE Goal Attainment Verification Form”

**SPECIAL PROVISION SECTION 102**  
**DELIVERY OF BIDS**  
(Location and Time)

**102.7.1 Location and Time** Add the following sentence “As a minimum, the Bidder will submit a Bid Package consisting of the Notice to Contractors, the completed Acknowledgement of Bid Amendments & Submission of Bid Bond Validation Number form, the completed Schedule of Items, 2 copies of the completed Agreement, Offer, & Award form, a Bid Bond or Bid Guarantee, and any other Certifications or Bid Requirements listed in the Bid Book.”

**SPECIAL PROVISION SECTION 103**  
**AWARD AND CONTRACTING**

**103.3.1 Notice and Information Gathering**

Change the first paragraph to read as follows: “After Bid Opening and as a condition for Award of a Contract, the Department may require an Apparent Successful Bidder to demonstrate to the Department’s satisfaction that the Bidder is responsible and qualified to perform the Work.”

**SPECIAL PROVISION SECTION 105**  
**GENERAL SCOPE OF WORK**

Delete the entire Section 105.6 and replace with the following:

**105.6.1 Department Provided Services** The Department will provide the Contractor with the description and coordinates of vertical and horizontal control points, set by the Department, within the Project Limits, for full construction Projects and other Projects where survey control

is necessary. For Projects of 1,500 feet in length, or less: The Department will provide three points. For Projects between 1,500 and 5,000 feet in length: The Department will provide one set of two points at each end of the Project. For Projects in excess of 5,000 feet in length, the Department will provide one set of two points at each end of the Project, plus one additional set of two points for each mile of Project length. For non-full construction Projects and other Projects where survey control is not necessary, the Department will not set any control points and, therefore, will not provide description and coordinates of any control points. Upon request of the Contractor, the Department will provide the Department's survey data management software and Survey Manual to the Contractor, or its survey Subcontractor, for the exclusive use on the Department's Projects.

105.6.2 Contractor Provided Services Utilizing the survey information and points provided by the Department, described in Subsection 105.6.1, Department Provided Services, the Contractor shall provide all additional survey layout necessary to complete the Work. This may include, but not be limited to, reestablishing all points provided by the Department, establishing additional control points, running axis lines, providing layout and maintenance of all other lines, grades, or points, and survey quality control to ensure conformance with the Contract. The Contractor is also responsible for providing construction centerline, or close reference points, for all Utility Facilities relocations and adjustments as necessary to complete the Work. When the Work is to connect with existing Structures, the Contractor shall verify all dimensions before proceeding with the Work. The Contractor shall employ or retain competent engineering and/or surveying personnel to fulfill these responsibilities.

The Contractor must notify the Department of any errors or inconsistencies regarding the data and layout provided by the Department as provided by Section 104.3.3 - Duty to Notify Department If Ambiguities Discovered.

105.6.2.1 Survey Quality Control The Contractor is responsible for all construction survey quality control. Construction survey quality control is generally defined as, first, performing initial field survey layout of the Work and, second, performing an independent check of the initial layout using independent survey data to assure the accuracy of the initial layout; additional iterations of checks may be required if significant discrepancies are discovered in this process. Construction survey layout quality control also requires written documentation of the layout process such that the process can be followed and repeated, if necessary, by an independent survey crew.

105.6.3 Survey Quality Assurance It is the Department's prerogative to perform construction survey quality assurance. Construction survey quality assurance may, or may not, be performed by the Department. Construction survey quality assurance is generally defined as an independent check of the construction survey quality control. The construction survey quality assurance process may involve physically checking the Contractor's construction survey layout using independent survey data, or may simply involve reviewing the construction survey quality



control written documentation. If the Department elects to physically check the Contractor's survey layout, the Contractor's designated surveyor may be required to be present. The Department will provide a minimum notice of 48 hours to the Contractor, whenever possible, if the Contractor's designated surveyor's presence is required. Any errors discovered through the quality assurance process shall be corrected by the Contractor, at no additional cost to the Department.

105.6.4 Boundary Markers The Contractor shall preserve and protect from damage all monuments or other points that mark the boundaries of the Right-of-Way or abutting parcels that are outside the area that must be disturbed to perform the Work. The Contractor indemnifies and holds harmless the Department from all claims to reestablish the former location of all such monuments or points including claims arising from 14 MRSA § 7554-A. For a related provision, see Section 104.3.11 - Responsibility for Property of Others.

## SPECIAL PROVISION SECTION 106 QUALITY

106.6 Acceptance Add the following to paragraph 1 of A: "This includes Sections 401 - Hot Mix Asphalt, 402 - Pavement Smoothness, and 502 - Structural Concrete - Method A - Air Content."

Add the following to the beginning of paragraph 3 of A: "For pay factors based on Quality Level Analysis, and"

## SPECIAL PROVISION SECTION 107 TIME

107.3.1 General Add the following: "If a Holiday occurs on a Sunday, the following Monday shall be considered a Holiday. Sunday or Holiday work must be approved by the Department, except that the Contractor may work on Martin Luther King Day, President's Day, Patriot's Day, the Friday after Thanksgiving, and Columbus Day without the Department's approval."

## SPECIAL PROVISION SECTION 108 PAYMENT

108.4 Payment for Materials Obtained and Stored First paragraph, second sentence, delete the words "...Delivered on or near the Work site at acceptable storage places."

## SPECIAL PROVISION SECTION 109 CHANGES

109.1.1 Changes Permitted Add the following to the end of the paragraph: “There will be no adjustment to Contract Time due to an increase or decrease in quantities, compared to those estimated, except as addressed through Contract Modification(s).”

109.1.2 Substantial Changes to Major Items Add the following to the end of the paragraph: “Contract Time adjustments may be made for substantial changes to Major Items when the change affects the Critical Path, as determined by the Department”

109.4.4 Investigation / Adjustment In the third sentence, delete the words “subsections (A) - (E)”

109.7.2 Basis of Payment Replace with the following: “Equitable Adjustments will be established by mutual Agreement for compensable items listed in Section 109.7.3- Compensable Items, based upon Unit or Lump Sum Prices. If Agreement cannot be reached, the Contractor shall accept payment on a Force Account basis as provided in Section 109.7.5 - Force Account Work, as full and complete compensation for all Work relating to the Equitable Adjustment.”

109.7.3 Compensable Items Replace with the following: “The Contractor is entitled to compensation for the following items, with respect to agreed upon Unit or Lump Sum Prices:

1. Labor expenses for non-salaried Workers and salaried foremen.
2. Costs for Materials.
3. A markup on the totals of Items 1 and 2 of this subsection 109.7.3 for home office overhead and profit of the Contractor, its Subcontractors and suppliers, and any lower tier Subcontractors or suppliers, with no mark-ups on mark-ups.
4. Cost for Equipment, based on Blue Book Rates or leased rates, as set forth in Section 109.7.5(C), or the Contractor’s Actual Costs.
5. Costs for extended job-site overhead.
6. Time.
7. Subcontractor quoted Work, as set forth below in Section 109.7.5 (F).”

#### 109.7.5 Force Account Work

##### C. Equipment

Paragraph 2, delete sentence 1 which starts; “Equipment leased....”

Paragraph 6, change sentence 2 from “The Contractor may furnish...” to read “If requested by the Department, the Contractor will produce cost data to assist the Department in the establishment of such rental rate, including all records that are relevant to the Actual Costs including rental Receipts, acquisition costs, financing documents, lease Agreements, and maintenance and operational cost records.”

Add the following paragraph; “Equipment leased by the Contractor for Force Account Work and actually used on the Project will be paid for at the actual invoice amount plus 10% markup for administrative costs.”

Add the following section;

“F. Subcontractor Quoted Work When accomplishing Force Account Work that utilizes Subcontractor quoted Work, the Contractor will be allowed a maximum markup of 5% for profit and overhead.”

#### SPECIAL PROVISION SECTION 401 HOT MIX ASPHALT PAVEMENT

401.18 Quality Control Method A & B Make the following change to paragraph a. QCP Administrator; in the final sentence, change “...certified as a Plant Technician or Paving Inspector...” to “...certified as a Quality Assurance Technologist...”

401.201 Method A Under a. Lot Size, add the following; “Each lot will be divided into a minimum of four sublots for mix properties and five sublots for percent TMD.”

#### SPECIAL PROVISION SECTION 402 PAVEMENT SMOOTHNESS

Add the following: “Projects to have their pavement smoothness analyzed in accordance with this Specification will be so noted in Special Provision 403 - Bituminous Box.”

“402.02 Lot Size Lot size for smoothness will be 1000 lane-meters [3000 lane-feet]. A subplot will consist of 20 lane-meters [50 lane-feet]. Partial lots will be included in the previous lot if less than one-half the size of a normal lot. If greater than one-half the normal lot size, it will be tested as a separate lot.”

## SPECIAL PROVISION SECTION 502 STRUCTURAL CONCRETE

502.0502 Quality Assurance Method A - Rejection by Resident Change the first sentence to read: “For an individual subplot with test results failing to meet the criteria in Table #1, or if the calculated pay factor for Air Content is less than 0.80.....”

502.0503 Quality Assurance Method B - Rejection by Resident Change the first sentence to read: “For material represented by a verification test with test results failing to meet the criteria in Table #1, the Department will.....”

502.0505 Resolution of Disputed Acceptance Test Results Combine the second and third sentence to read: “Circumstances may arise, however, where the Department may .....”

## SPECIAL PROVISION SECTION 504 REINFORCING STEEL

504.18 Plates for Fabricated Members Change the second paragraph, first sentence from: “...ASTM A 898/A 898 M...” to “...ASTM A 898/A 898 M or ASTM A 435/A 435 M as applicable and...”

## SPECIAL PROVISION SECTION 535 PRECAST, PRESTRESSED CONCRETE SUPERSTRUCTURE

535.02 Materials Change “Steel Strand for Concrete Reinforcement” to “Steel Strand.” Add the following to the beginning of the third paragraph; “Concrete shall be Class P conforming to the requirements in this section. 28 day compressive strength shall be as stated on the plans. Coarse aggregate....”

535.26 Lateral Post-Tensioning Replace the first paragraph; “A final tension...” with “Overstressing strands for setting losses cannot be accomplished for chuck to chuck lengths of 7.6 m [25 ft] and less. In such instances, refer to the Plans for all materials and methods. Otherwise, post-tensioning shall be in accordance with PCI standards and shall provide the anchorage force noted in the Plans. The applied jacking force shall be no less than 100% of the design jacking force.”

**SPECIAL PROVISION SECTION 604**  
**MANHOLES, INLETS, AND CATCH BASINS**

604.02 Materials Add the following:

“Tops and Traps	712.07
Corrugated Metal Units	712.08
Catch Basin and Manhole Steps	712.09”

**SPECIAL PROVISION SECTION 615**  
**LOAM**

615.02 Materials Make the following change:

<u>Organic Content</u>	<u>Percent by Volume</u>
Humus	“5% - 10%”, as determined by Ignition Test

**SPECIAL PROVISION SECTION 618**  
**SEEDING**

618.01 Description Change the first sentence to read as follows: “This work shall consist of furnishing and applying seed .....” Also remove “,and cellulose fiber mulch” from 618.01(a).

618.03 Rates of Application In 618.03(a), remove the last sentence and replace with the following: “These rates shall apply to Seeding Method 2, 3, and Crown Vetch.”

In 618.03(c) “1.8 kg [4 lb]/unit.” to “1.95 kg [4 lb]/unit.”

618.09 Construction Method In 618.09(a) 1, sentence two, replace “100 mm [4 in]” with “25 mm [1 in] (Method 1 areas) and 50 mm [2 in] (Method 2 areas)”

618.15 Temporary Seeding Change the Pay Unit from Unit to Kg [lb].

**SPECIAL PROVISION SECTION 620**  
**GEOTEXTILES**

620.03 Placement Section (c)

Title: Replace “Non-woven” in title with “Erosion Control”.

First Paragraph: Replace first word “Non-woven” with “Woven monofilament”.

Second Paragraph: Replace second word “Non-woven” with “Erosion Control”.

620.07 Shipment, Storage, Protection and Repair of Fabric Section (a)

Replace the third sentence with the following: “Damaged geotextiles, as identified by the Resident, shall be repaired immediately.”

620.09 Basis of Payment

Pay Item 620.58: Replace “Non-woven” with “Erosion Control”

Pay Item 620.59: Replace “Non-woven” with “Erosion Control”

**SPECIAL PROVISION SECTION 626**  
**HIGHWAY SIGNING**

626.034 Concrete Foundations Add to the following to the end of the second paragraph: “Pre-cast and cast-in-place foundations shall be warranted against leaning and corrosion for two years after the project is completed. If the lean is greater than 2 degrees from normal or the foundation is spalling within the first two years, the Contractor shall replace the foundation at no extra cost.”

**SPECIAL PROVISION SECTION 637**  
**DUST CONTROL**

637.06 Basis of Payment Add the following after the second sentence of the third paragraph: “Failure by the Contractor to follow Standard Specification or Special Provision - Section 637 and/or the Contractor’s own Soil Erosion and Pollution Control Plan concerning Dust Control and/or the Contractor’s own Traffic Control Plan concerning Dust Control and/or visible evidence of excessive dust problems, as determined by the Resident, will result in a reduction in payment, computed by reducing the Lump Sum Total by 5% per occurrence per day. The Department’s Resident or any other representative of the Department reserves the right to suspend the work at any time and request a meeting to discuss violations and remedies. The Department shall not be held responsible for any delay in the work due to any suspension under this item. Additional penalties may also be assessed in accordance with Special Provision 652 - Work Zone Traffic Control and Standard Specification 656 - Temporary Soil Erosion and Water Pollution Control.”

**SPECIAL PROVISION SECTION 639**  
**ENGINEERING FACILITIES**

639.04 Field Offices Change the forth to last paragraph from: “The Contractor shall provide a fully functional desktop copier...” to “....desktop copier/scanner...”

**SPECIAL PROVISION SECTION 652**  
**MAINTENANCE OF TRAFFIC**

652.8.2 Other Items Replace the last paragraph with the following: “There will be no payment made under any 652 pay items after the expiration of the adjusted total contract time.”

**SPECIAL PROVISION SECTION 656**  
**TEMPORARY SOIL EROSION AND WATER POLLUTION CONTROL**

656.5.1 If Pay Item 656.75 Provided Replace the second paragraph with the following: “Failure by the Contractor to follow Standard Specification or Special Provision - Section 656 and/or the Contractor’s own Soil Erosion and Pollution Control Plan will result in a reduction in payment, computed by reducing the Lump Sum Total by 5% per occurrence per day. The Department’s Resident or any other representative of the Department reserves the right to suspend the work at any time and request a meeting to discuss violations and remedies. The Department shall not be held responsible for any delay in the work due to any suspension under this item.”

**SPECIAL PROVISION SECTION 703**  
**AGGREGATES**

703.06 Aggregate for Base and Subbase Delete the first paragraph: “The material shall have...” and replace with “The material shall have a minimum degradation value of 15 as determined by Washington State DOT Test Method T113, Method of Test for Determination of Degradation Value (March 2002 version), except that the reported degradation value will be the result of testing a single specimen from that portion of a sample that passes the 12.5 mm [½ in] sieve and is retained on the 2.00 mm [No. 10] sieve, minus any reclaimed asphalt pavement used.”

703.07 Aggregates for HMA Pavements Delete the forth paragraph: “The composite blend shall have...” and replace with “The composite blend, minus any reclaimed asphalt pavement used, shall have a Micro-Deval value of 18.0 or less as determined by AASHTO TP 58. In the event the material exceeds the Micro Deval limit, a Washington Degradation test shall be performed. The material shall be acceptable if it has a value of 30 or more as determined by Washington State DOT Test Method T 113, Method of Test for Determination of Degradation Value (March 2002 version) except that the reported degradation value will be the result of testing a single composite specimen from that portion of the sample that passes the 12.5mm [1/2 inch] sieve and is retained on the 2.00mm [No 10] sieve, minus any reclaimed asphalt pavement used.”

703.22 Underdrain Backfill Material Change the first paragraph from "...for Underdrain Type B..." to "...for Underdrain Type B and C..."

## SPECIAL PROVISION SECTION 709 REINFORCING STEEL AND WELDED STEEL WIRE FABRIC

709.03 Steel Strand Change the second paragraph from "...shall be 12mm [½ inch] AASHTO M203M/M203 (ASTM A416/A416M)..." to "...shall be 15.24 mm [0.600 inch] diameter AASHTO M203 (ASTM A416)..."

## SPECIAL PROVISION SECTION 712 MISCELLANEOUS HIGHWAY MATERIALS

Add the following:

"712.07 Tops, and Traps These metal units shall conform to the plan dimensions and to the following specification requirements for the designated materials.

Gray iron castings shall conform to the requirements of AASHTO M105, Class 30, unless otherwise designated.

Carbon steel castings shall conform to the requirements of AASHTO M103/M103M. Grade shall be 450-240 [65-35] unless otherwise designated.

Structural steel shall conform to the requirements of AASHTO M183/M183M or ASTM A283/A283M, Grade B or better. Galvanizing, where specified for these units, shall conform to the requirements of AASHTO M111.

712.08 Corrugated Metal Units The units shall conform to plan dimensions and the metal to AASHTO M36/M36M. Bituminous coating, when specified, shall conform to AASHTO M190 Type A.

712.09 Catch Basin and Manhole Steps Steps for catch basins and for manholes shall conform to ASTM C478M [ASTM C478], Section 13 for either of the following material:

- (a) Aluminum steps-ASTM B221M, [ASTM B211] Alloy 6061-T6 or 6005-T5.
- (b) Reinforced plastic steps Steel reinforcing bar with injection molded plastic coating copolymer polypropylene. Polypropylene shall conform to ASTM D 4101.



712.23 Flashing Lights Flashing Lights shall be power operated or battery operated as specified.

(a) Power operated flashing lights shall consist of housing, adapters, lamps, sockets, reflectors, lens, hoods and other necessary equipment designed to give clearly visible signal indications within an angle of at least 45 degrees and from 3 to 90 m [10 to 300 ft] under all light and atmospheric conditions.

Two circuit flasher controllers with a two-circuit filter capable of providing alternate flashing operations at the rate of not less than 50 nor more than 60 flashes per minute shall be provided.

The lamps shall be 650 lumens, 120 volt traffic signal lamps with sockets constructed to properly focus and hold the lamp firmly in position.

The housing shall have a rotatable sun visor not less than 175 mm [7 in] in length designed to shield the lens.

Reflectors shall be of such design that light from a properly focused lamp will reflect the light rays parallel. Reflectors shall have a maximum diameter at the point of contact with the lens of approximately 200 mm [8 in].

The lens shall consist of a round one-piece convex amber material which, when mounted, shall have a visible diameter of approximately 200 mm [8 in]. They shall distribute light and not diffuse it. The distribution of the light shall be asymmetrical in a downward direction. The light distribution of the lens shall not be uniform, but shall consist of a small high intensity portion with narrow distribution for long distance throw and a larger low intensity portion with wide distribution for short distance throw. Lenses shall be marked to indicate the top and bottom of the lens.

(b) Battery operated flashing lights shall be self-illuminated by an electric lamp behind the lens. These lights shall also be externally illuminated by reflex-reflective elements built into the lens to enable it to be seen by reflex-reflection of the light from the headlights of oncoming traffic. The batteries must be entirely enclosed in a case. A locking device must secure the case. The light shall have a flash rate of not less than 50 nor more than 60 flashes per minute from minus 30 °C [minus 20 °F] to plus 65 °C [plus 150 °F]. The light shall have an on time of not less than 10 percent of the flash cycle. The light beam projected upon a surface perpendicular to the axis of the light beam shall produce a lighted rectangular projection whose minimum horizontal dimension shall be 5 degrees each side of the horizontal axis. The effective intensity shall not have an initial value greater than 15.0 candelas or drop below 4.0 candelas during the first 336 hours of continuous flashing. The illuminated lens shall appear to be uniformly bright over its entire illuminated surface when viewed from any point within an angle of 9 degrees each side of

the vertical axis and 5 degrees each side of the horizontal axis. The lens shall not be less than 175 mm [7 in] in diameter including a reflex-reflector ring of 13 mm [½ in] minimum width around the periphery. The lens shall be yellow in color and have a minimum relative luminous transmittance of 0.440 with a luminance of 2854° Kelvin. The lens shall be one-piece construction. The lens material shall be plastic and meet the luminous transmission requirements of this specification. The case containing the batteries and circuitry shall be constructed of a material capable of withstanding abuse equal to or greater than 1.21 mm thick steel [No. 18 U.S. Standard Gage Steel]. The housing and the lens frame, if of metal shall be properly cleaned, degreased and pretreated to promote adhesion. It shall be given one or more coats of enamel which, when dry shall completely obscure the metal. The enamel coating shall be of such quality that when the coated case is struck a light blow with a sharp tool, the paint will not chip or crack and if scratched with a knife will not powder. The case shall be so constructed and closed as to exclude moisture that would affect the proper operation of light. The case shall have a weep hole to allow the escape of moisture from condensation. Photoelectric controls, if provided, shall keep the light operating whenever the ambient light falls below 215 lx [20 foot candles]. Each light shall be plainly marked as to the manufacturer's name and model number.

If required by the Resident, certification as to conformance to these specifications shall be furnished based on results of tests made by an independent testing laboratory. All lights are subject to random inspection and testing. All necessary random samples shall be provided to the Resident upon request without cost to the Department. All such samples shall be returned to the Contractor upon completion of the tests.

712.32 Copper Tubing Copper tubing and fittings shall conform to the requirements of ASTM B88M Type A [ASTM B88, Type K] or better.

712.33 Non-metallic Pipe, Flexible Non-metallic pipe and pipe fittings shall be acceptable flexible pipe manufactured from virgin polyethylene polymer suitable for transmitting liquids intended for human or animal consumption.

712.34 Non-metallic Pipe, Rigid Non-metallic pipe shall be Schedule 40 polyvinylchloride (PVC) that meets the requirement of ASTM D1785. Fittings shall be of the same material.

712.341 Metallic Pipe Metallic pipe shall be ANSI, Standard B36.10, Schedule 40 steel pipe conforming to the requirements of ASTM A53 Types E or S, Grade B. End plates shall be steel conforming to ASTM A36/A36M.

Both the sleeve and end plates shall be hot dip galvanized. Pipe sleeve splices shall be welded splices with full penetration weld before galvanizing.

712.35 Epoxy Resin Epoxy resin for grouting or sealing shall consist of a mineral filled thixotropic, flexible epoxy resin having a pot life of approximately one hour at 10°C [50°F]. The grout shall be an approved product suitable for cementing steel dowels into the preformed holes of curb inlets and adjacent curbing. The sealant shall be an approved product, light gray in color and suitable for coating the surface.

712.36 Bituminous Curb The asphalt cement for bituminous curb shall be of the grade required for the wearing course, or shall be Viscosity Grade AC-20 meeting the current requirements of Subsection 702.01 Asphalt Cement. The aggregate shall conform to the requirements of Subsection 703.07. The coarse aggregate portion retained on the 2.36 mm [No. 8] sieve may be either crushed rock or crushed gravel.

The mineral constituents of the bituminous mixture shall be sized and graded and combined in a composite blend that will produce a stable durable curbing with an acceptable texture. Bituminous material for curb shall meet the requirements of Section 403 - Hot Bituminous Pavement.

712.37 Precast Concrete Slab Portland cement concrete for precast slabs shall meet the requirements of Section 502 - Structural Concrete, Class A.

The slabs shall be precast to the dimension shown on the plans and cross section and in accordance with the Standard Detail plans for Concrete Sidewalk Slab. The surface shall be finished with a float finish in accordance with Subsection 502.14(c). Lift devices of sufficient strength to hold the slab while suspended from cables shall be cast into the top or back of the slab.

712.38 Stone Slab Stone slabs shall be of granite from an acceptable source, hard, durable, predominantly gray in color, free from seams which impair the structural integrity and be of smooth splitting character. Natural color variations characteristic of the deposit will be permitted. Exposed surfaces shall be free from drill holes or indications of drill holes. The granite slabs in any one section of backslope must be all the same finish.

The granite slabs shall be scabble dressed or sawed to an approximately true plane having no projections or depressions over 13 mm [½ in] under a 600 mm [2 ft] straightedge or over 25 mm [1 in] under a 1200 mm [4 ft] straightedge. The arris at the intersection of the top surface and exposed front face shall be pitched so that the arris line is uniform throughout the length of the installed slabs. The sides shall be square to the exposed face unless the slabs are to be set on a radius or other special condition which requires that the joints be cut to fit, but in any case shall be so finished that when the stones are placed side by side no space more than 20 mm [¾ in] shall show in the joint for the full exposed height.

Liftpin holes in all sides will be allowed except on the exposed face.

SPECIAL PROVISION SECTION 717  
ROADSIDE IMPROVEMENT MATERIAL

717.05 Mulch Binder. Change the third sentence to read as follows:

“Paper fiber mulch may be used as a binder at the rate of 2.3 kg/unit [5 lb/unit].”

Town: **Brewer, Rt. 9**  
Projects: **NH-1139(800)E, PIN 11398.00**  
Date: **December 17, 2003**

**SPECIAL PROVISIONS**  
**SECTION 104**  
**Utilities**

**MEETING**

A Pre-construction Utility Conference, as defined in Subsection 104.4.6 of the Standard Specifications is required.

**GENERAL INFORMATION**

These Special Provisions outline the arrangements that have been made by the Department for utility and/or railroad work to be undertaken in conjunction with this project. The following list identifies all known utilities or railroads having facilities presently located within the limits of this project or intending to install facilities during project construction.

**Overview:**

<b>Utility/Railroad</b>	<b>Aerial</b>	<b>Underground</b>
Bangor Hydro-Electric Company	X	
Adelphia Communications Corp.	X	
Verizon	X	X
Mid-Maine Telecom		X
Bangor Gas Company		X
City of Brewer (Sewer & Water)	X	X

Temporary utility adjustments are **not** anticipated. If temporary relocation becomes necessary, sufficient time will need to be allowed prior to the construction for all required temporary relocation.

All utility crossings over highways will provide not less than 18 feet vertical clearance over existing ground in cut or over finished grade in fill, during construction of this project.

Any times and dates mentioned are estimates only and are dependent upon favorable weather, working conditions, and freedom from emergencies. The Contractor shall have no claim against the Department if they are exceeded.

Utility working days are Monday through Friday, conditions permitting. Times are estimated on the basis of a single crew for each utility.

**AERIAL**

No Aerial Utility adjustments are anticipated as part of this project. All above ground utility locations (hydrants, poles, guys, etc.) will be reviewed for compliance with the Department's Above Ground Pole Policy following the completion of the paving operation. Any above ground utility locations not meeting the Department's Above Ground Pole Policy will require relocation to the proper offset.

### **SUBSURFACE**

<b>Utility</b>	<b>Summary of Work</b>	<b>Estimated Working Days</b>
City of Brewer	Adjust <b>50</b> manholes & <b>35</b> Water Gate Valve boxes to finish grade and rebuild <b>6</b> manholes.	By others
Verizon	Adjust <b>2</b> manholes to finish grade	5 to lower & 5 to raise

**City of Brewer** has entered into an Agreement with the Maine Department of Transportation. The Contractor will adjust the City's manholes and water gates as needed within this contract and within specifications for Items 812.162, 812.164 and 823.332. **City of Brewer** shall be notified as to when work this will take place so they may send an on-site representative for inspection purposes. The **City of Brewer**'s two underground utilities are **Brewer Sewer Department** is Frank Higgins at 989-7800 and for **Brewer Water Department** is Scott Stanhope at 989-4214.

**Verizon** will require three weeks notice prior to the reclaiming process. When Verizon begin their work they will need 5 working days to lower their structures to accommodate the reclaim process. **Verizon** will require five working days to raise their respective structures to grade if necessary before final paving. Additional days may be required for repairs to any structures that are found to be broken or not operating properly. The contact for **Verizon** is Dave Leavitt at 990-5239.

**Bangor Gas Company** has gas main located in the sidewalk on the project. No adjustments are anticipated. Contractor shall give **Bangor Gas Company** at least three (3) days notice prior to any excavating operations within the sidewalk areas to allow the utility to determine their facilities locations in that area. The contact for Bangor Gas Company is Jerry McKenney at 941-9595.

Above and beyond the adjustment work **Brewer Water Department** will be installing one new hydrant, repairing two services and replacing one hydrant within the project limits during construction. Brewer Water Department will require one week to complete this work and will coordinate with the contractor to do work after the reclaim process and before the foaming process.

### **UTILITY SIGNING**

Any utility working within the construction limits of this project shall ensure that the traveling public is adequately protected at all times. All work areas shall be signed, lighted, and traffic flaggers employed as determined by field conditions. All traffic controls shall be in accordance with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, as issued by the Federal Highway Administration.

### **SAFE PRACTICES AROUND UTILITY FACILITIES**

Town: **Brewer, Rt. 9**  
Projects: **NH-1139(800)E, PIN 11398.00**  
Date: **December 17, 2003**

The Contractor shall be responsible for complying with M.R.S.A. Title 35-A, Chapter 7-A Sections 751 - 761 Overhead High-Voltage Line Safety Act. Prior to commencing any work that may come within ten (10) feet of any aerial electrical line; the Contractor shall notify the aerial utilities as per Section 757 of the above act.

**DIG SAFE**

The Contractor shall be responsible for determining the presence of underground utility facilities prior to commencing any excavation work and shall notify utilities of proposed excavation in accordance with M.R.S.A. Title 23 §3360-A, Maine "Dig Safe" System.

**MAINTAINING UTILITY LOCATION MARKINGS**

The Contractor will be responsible for maintaining the buried utility location markings following the initial locating by the appropriate utility or their designated representative.

**THE CONTRACTOR SHALL PLAN AND CONDUCT HIS WORK ACCORDINGLY.**

The following utilities are known to be located on this project:

<b>Bangor Hydro-Electric Company</b>	Bruce Smith	973-2507
<b>Verizon</b>	David Leavitt	990-5239
<b>Adelphia Communications Corp.</b>	Steve Bossie	1-877-500-1055 (ext.2421)
	Peter Hamlin (Location)	(ext. 2412)
<b>Bangor Gas Company</b>	Jerry McKenney	941-9595
<b>Mid -Maine Telecom</b>	Ron Bragg	992-9932
	John Jones (Location)	992-9930
<b>City of Brewer</b>	David Cote	989-7800
<b>Brewer Sewer Department</b>	Frank Higgins	989-7800
<b>Brewer Water Department</b>	Scott Stanhope	989-4214

**NH-1139(800)E  
Brewer**

**SPECIAL PROVISION  
SECTION 104  
Utilities  
(Informational Meeting)**

**An informational meeting on utility work and coordination will be held in Bangor at the Maine Department of Transportation's Division office at 9:00 A.M. on May 13<sup>th</sup>, 2004. All contractors are welcomed and encouraged to attend.**



Town: Brewer  
PIN #: 11398.00  
Date: 4/14/04

SPECIAL PROVISION  
SECTION 105  
General Scope of Work  
(Environmental Requirements)

Instream Work shall not be allowed between the dates of 10/2 and 7/14.  
(Instream work is allowed from 7/15 to 10/1.)

Stream Name(s) with Station #: Unnamed at **Station 154+97**

Special Conditions: Instream work shall be conducted during low flows.

Instream work consists of any activity conducted below the normal high water mark.

During the instream work window restriction, all activities are prohibited (including placement and removal of cofferdams) below the normal high water mark and during high flow conditions, except for the following:

- Work within a sealed and dewatered cofferdam. Maintenance pumping within a sealed cofferdam is also allowed.

No construction activity, whether temporary or permanent, is allowed that completely blocks a river, stream, or brook without providing downstream flow.

The contractor shall abide by all permits and conditions.

Dredge Material (See MDOT Standard Specifications § 101.2) is regulated as a Special Waste. Fifty cubic yards or less of Dredge Material **Beneficially Used in the area adjacent to and draining into the dredged water body** is exempt from Beneficial Use Permits. The Contractor shall ensure that Dredge Material is placed into the fill areas specified by MDOT. No more than the fifty cubic yards (38 cubic meters) of Dredge Material may be excavated without authorization from the Resident. Any Dredge Material not Beneficially Used (excess Dredge Material) shall be disposed of at a landfill licensed by the Maine Department of Environmental Protection to accept Special Waste. The Contractor shall be responsible for making all necessary arrangements for dewatering and proper disposal of the Dredge Material, including any additional laboratory testing, in accordance with the landfill's license. The Contractor shall provide documentation to the Resident that any such Dredge Material was disposed of as specified.

Town: Brewer  
PIN #: 11398.00  
Date:4/14/04

SPECIAL PROVISION  
SECTION 105  
General Scope of Work  
(Environmental Requirements)

Essential Habitat Work shall not be allowed between the dates of November 1 and August 14.  
(Essential Habitat work is allowed from August 15 to October 31.)

Special Conditions: Essential Habitat work shall be conducted only during the window given above.

During the Essential Habitat work window restriction, all activities are prohibited within the designated area, see attached map.

No construction activity, whether temporary or permanent, is allowed within the designated area until August 15 between stations 117+00 to 197+00.

The contractor shall abide by all permits and conditions.

**SPECIAL PROVISION**  
**SECTION 107**  
**SCHEDULING OF WORK**

Replace Section 107.4.2 with the following:

"107.4.2 Schedule of Work Required Within 21 Days of Contract Execution and before beginning any on-site activities, the Contractor shall provide the Department with its Schedule of Work. The Contractor shall plan the Work, including the activity of Subcontractors, vendors, and suppliers, such that all Work will be performed in Substantial Conformity with its Schedule of Work. The Schedule must include sufficient time for the Department to perform its functions as indicated in this Contract, including QA inspection and testing, approval of the Contractor's TCP, SEWPCP and QCP, and review of Working Drawings.

At a minimum, the Schedule of Work shall include a bar chart which shows the major Work activities, milestones, durations, and a timeline. Milestones to be included in the schedule include: (A) start of Work, (B) beginning and ending of planned Work suspensions, (C) Completion of Physical Work, and (D) Completion. If the Contractor Plans to Complete the Work before the specified Completion date, the Schedule shall so indicate.

Any restrictions that affect the Schedule of Work such as paving restrictions or In-Stream Work windows must be charted with the related activities to demonstrate that the Schedule of Work complies with the Contract.

The Department will review the Schedule of Work and provide comments to the Contractor within 20 days of receipt of the schedule. The Contractor will make the requested changes to the schedule and issue the finalized version to the Department."

**Town:** Brewer  
**PIN:** 11399.00  
**Date:** 4/22/2004

SPECIAL PROVISION  
SECTION 107  
TIME  
(Contract Time)

1. The contractor will be allowed to commence work at any time as long as the Soil Erosion and Water Pollution Plan, Traffic Plan and Office trailer are approved.
2. Completion date is **October 31, 2004**.
3. For every weekday not worked after operations begin, the contractor will be charged liquidated damages per calendar day (excluding inclement weather days) at the rate stated in 107.7.2
4. The contractor will not be allowed to work in the area between station 117+00 and station 197+00 until after August 15, 2004.

SPECIAL PROVISION  
SECTION 108  
RECYCLED ASPHALT PAVEMENT WITH BITUMINOUS ADDITIVE  
PERFORMANCE GRADED BINDER PRICE ADJUSTMENT

Price adjustments will be based on the variance in costs for the performance graded binder component of recycled asphalt pavement with bituminous additive. They will be determined as follows:

Performance Graded Asphalt Binder The quantity of asphalt cement will be determined by taking the quantity of recycled asphalt pavement with bituminous additive (**44,050 yd<sup>2</sup>**) and multiplying by (**0.0074 for item 309.36**) times the difference in price in excess of 5 percent between the base price and the period price of asphalt cement. Adjustments will be made upward or downward, as prices increase or decrease.

Recycled Asphalt Pavement with Bituminous Additive The quantity of recycled asphalt pavement with bituminous additive will be determined from field measurements and shown on the progress estimate for each pay period.

Base Price The base price of performance graded binder to be used is the price per standard ton current with the bid opening date. This price is determined by using the average N.E. Barge Price, FOB, as listed in the Asphalt Weekly Monitor.

Period Price The period price of performance graded binder will be determined by the Department by using the average N.E. Barge Price, FOB, listed in the Asphalt Weekly Monitor current with the pay period ending date of the progress estimate.

SPECIAL PROVISION  
SECTION 309  
FULL DEPTH RECYCLED PAVEMENT  
(With Foamed Asphalt)

309.01 Description This work shall consist of pulverizing a portion of the existing roadway structure into a homogenous mass, treating the pulverized material with the foamed asphalt process, and the placing and compacting of this material to the lines, grades, and dimensions shown on the plans or established by the Resident.

MATERIALS

309.020 Pulverized Material Pulverized material shall consist of the entire existing bituminous pavement and, if specified, a designated portion of the underlying gravel, pulverized and blended into a homogenous mass. Pulverized material will be processed to 100 percent passing a 50 mm [2 in] square mesh sieve.

309.021 New Aggregate and Additional Recycled Material New aggregate, if required by the contract or job mix, shall meet the requirements of Section 411.02 Untreated Aggregate Surface Course. New aggregate required as part of the job mix shall be considered part of the 309 item and will not be measured for payment. New aggregate required to restore grade and/or cross-slope shall be measured for payment.

Recycled material, if required, shall consist of material from the project or from off-site stockpiles that have been processed, prior to use to 100 percent passing a 50 mm [2 in] square mesh sieve. The Resident shall conditionally accept recycled material at the source; it shall be free of winter sand, granular fill, construction debris, and other materials not generally considered to be bituminous pavement.

309.022 Asphalt Binder The asphalt binder used in the foamed asphalt process shall be Performance Grade 64-28 meeting the requirements of AASHTO M320.

309.023 Portland Cement The Portland Cement shall be Type I or II meeting the requirements of AASHTO M85.

309.024 Lime Lime for soil stabilization shall meet the requirements of AASHTO M216.

309.025 Crusher Dust Crusher dust, if required by the job mix, shall be free from friable or deleterious material, including excessive mica, and shall meet the following gradation requirements:

Sieve Size	Percent Passing
12.5 mm [½ in]	100
0.075 mm [No. 200]	10 - 15

309.026 Water Water shall be clean and free from deleterious concentrations of acids, alkalis, salts or other organic or chemical substances.

## EQUIPMENT

309.030 Pulverizer The modified milling or recycling machine shall, as a minimum, have the following features:

- A. A minimum power capability of 600 horsepower.
- B. Two microprocessor-controlled systems, complete with 2 independent pumping systems and spraybars, to regulate the application of foamed bitumen stabilizing agent, separate from water (for increasing the moisture content of the recycled material), in relation to the forward speed and mass of the material being recycled.
- C. Two spray bars shall each be fitted with self-cleaning nozzles at a maximum spacing of one nozzle for each 155 mm [6 in] width of the chamber.
- D. The foamed bitumen shall be produced at the spraybar in individual expansion chambers into which both hot bitumen and water are injected under pressure through individual and separate small orifices that promote atomization. The rate of addition of water into hot bitumen shall be kept at a constant (percentage by mass of bitumen) by the same microprocessor.
- E. An inspection (or test) nozzle shall be fitted at one end of the spraybar that produces a representative sample of foamed bitumen.
- F. An electrical heating system capable of maintaining the temperature of all bitumen flow components above 150°C [300°F].
- G. A single bitumen feed pipe installed between the modified milling or recycling machine and the supply tanker. Circulating systems that incorporate a return pipe to the supply tanker shall not be used.
- H. The recycler shall be fitted with a front breaker bar system to ensure that the reclaimed material is broken down to the sizing outlined in 309.020.

309.031 Liquid Mixer Unit or Distributor Only tankers with a capacity exceeding 10,000 L [2500 gal] shall be used to supply the recycling machine with bitumen. Each tanker shall be fitted with two recessed pin-type tow hitches, one in front and the other behind, thereby allowing the tanker to be pushed from behind by the recycling machine, and to push a water tanker in front. No leaking tanker will be permitted on the job site. In addition, each tanker shall be equipped with the following:

- A. A thermometer to show the temperature of the contents in the bottom third of the tank.
- B. A rear feed valve, with a minimum internal diameter of 75 mm [3 in], capable of draining the contents of the tank when fully opened.
- C. Insulation to retain heat.
- D. A calibrated dipstick marked at intervals of no more than 100 L [25 gal], for measuring the contents of the tank.

309.032 Placement Equipment Placement of the full depth recycled material to the required slope and grade shall be done with an approved highway grader or by another method approved by the Resident.

309.033 Rollers The full depth recycled material shall be rolled with a vibratory pad/tamping foot roller, a vibratory steel drum soil compactor and a Type II pneumatic tire roller. The pad/tamping foot roller drum shall have a minimum of 112 tamping feet 73 mm [3 in] in height, a minimum contact area per foot of 110 cm<sup>2</sup> [17 in<sup>2</sup>], and a minimum width of 2.15 m [84 in]. The vibratory steel drum roller shall have a minimum 2.15 meter [84 in] width single drum. The pneumatic tire roller shall meet the requirements of Section 401.10 and the minimum allowable tire pressure shall be 586 kPa [85 psi].

## MIX DESIGN

The Department will supply a mix design for the foamed asphalt based on test results from pavement and soil analysis taken to the design depth. The Department will provide the following information prior to construction:

1. Percent of bitumen to be used.
2. Percent of water to be used in the foaming process.
3. Quantity (if any) of crusher dust to be used.
4. Quantity of lime or cement to be added.
5. Optimum moisture content for proper compaction and dispersion of foamed asphalt.
6. Additional aggregate (if required).

After a test strip has been completed or as the work progresses, it may be necessary for the Resident to make necessary adjustments to the mix design. Changes to compensation will be in accordance with the Mix Design Special Provision.

## CONSTRUCTION REQUIREMENTS

309.04 Weather Limitations When foamed asphalt is used, full depth recycled work shall be performed when;

- A. Foaming operations will be allowed between May 15<sup>th</sup> and September 15<sup>th</sup> inclusive in Zone 1 - Areas north of US Route 2 from Gilead to Bangor and north of Route 9 from Bangor to Calais. Foaming operations will be allowed between May 1<sup>st</sup> and September 30<sup>th</sup> inclusive in Zone 2 - Areas south of Zone 1 including the US Route 2 and Route 9 boundaries.
- B. The atmospheric temperature, as determined by an approved thermometer placed in the shade at the recycling location, is 10°C [50°F] and rising.
- C. When there is no standing water on the surface.
- D. During generally dry conditions, or when weather conditions are such that proper pulverizing, adding, mixing, and curing can be obtained using proper procedures, and when compaction can be accomplished as determined by the Resident.
- E. When the surface is not frozen and when overnight temperatures are expected to be above 0°C [32°F].
- F. Wind conditions as such that the spreading of lime or cement on the roadway ahead of the recycling machine will not adversely affect the operation.

309.05 Full Depth Recycling Procedure If required by the mix design, a uniform layer of crusher dust shall be spread over the full width of the roadway. New aggregate or recycled pavement meeting the requirements of Section 309.021 - New Aggregate, and Recycled Material shall be added as necessary to restore cross-slope and/or grade. Locations will be shown on the plans or described in the construction notes; the Resident may add other locations while construction of the project is in progress. The Contractor will use recycled pavement to the extent it is available, in lieu of new aggregate. The material shall then be pulverized, processed, and blended into a homogeneous mass passing a 50 mm [2 in] square mesh sieve. Material found not pulverized down to a 50mm [2 in] size will be required to be reprocessed by the recycler with successive passes until approved by the Resident. The material shall then be shaped to the cross-slope and grade shown on the plans, typicals, or as directed by the Resident. This pulverized material shall be fine-graded to  $\pm 13$  mm [ $\pm 1/2$  in] tolerance. The initial reclaiming process density requirements will be the same as Section 309.07 unless otherwise directed by the Resident.



The dry stabilizing agents (lime or cement) shall be spread uniformly over the full width of roadway to be recycled prior to each pass of the foaming operation, in a continuous process by means of a mechanical spreader. Dry stabilizing agents shall be spread at the prescribed rate of application provided by the Department. Foamed asphalt shall be incorporated into the material to a depth determined by the pavement design. These additives shall then be uniformly blended into a homogeneous mass until an apparent uniform distribution has occurred. The Resident may adjust the rate of application as necessary.

Asphalt binder shall be added to the milling or recycling process by pumping from a mobile bulk tanker that is pushed from behind by the recycling machine. Tankers shall be equipped with a built-in thermometer to ensure that the bituminous stabilizing agent is maintained at  $190^{\circ}\text{C} \pm 5^{\circ}\text{C}$  [ $375^{\circ}\text{F} \pm 10^{\circ}\text{F}$ ]. The system employed to add the foamed asphalt to the recycling process shall conform to the equipment requirements specified in these Special Provisions.

Sufficient water shall be added during the recycling process to meet the moisture requirements as specified. Water shall be added only by means of the microprocessor control system on the recycling machine and care shall be taken to prevent excessive wetting.

The resultant material shall be graded and compacted to the cross-slope and profile shown on the plans or as directed by the Resident. The Contractor will also be responsible for re-establishing the existing profile grade. The completed surface of the full depth recycled course shall be shaped and maintained to a tolerance, above or below the required cross sectional shape, of 10 mm [ $\frac{3}{8}$  in]. Areas not meeting this tolerance will be repaired as described in Section 309.051.

After compaction, the roadway surface shall be treated with a light application of water, and rolled with pneumatic-tired rollers to create a close-knit texture. The finished layer shall be free from:

- A. Surface laminations.
- B. Segregation of fine and coarse aggregate.
- C. Corrugations, centerline differential, potholes, or any other defects that may adversely affect the performance of the layer.

The Contractor shall protect and maintain the recycled layer until a lift of pavement is applied. Frequent light watering shall be performed to prevent the surface from drying out. Any damage or defects in the layer shall be repaired immediately. An even and uniform surface shall be maintained. The recycled material shall be swept prior to hot mix asphalt placement.

309.051 Repairs Repairs and maintenance of the recycled layers, during and after the curing period, resulting from damage caused by traffic, weather or environmental conditions, or resulting from damage caused by the Contractor's operations or equipment, shall be completed at no additional cost to the Department.

Low areas will be repaired using a hot mix asphalt shim. Areas up to 25mm [1 in] high can be repaired by milling or shimming with hot mix asphalt. Areas greater than 25mm [1 in] high will be repaired using a hot mix asphalt shim. All repair work will be done with the Resident's approval at the Contractor's expense.

## TESTING REQUIREMENTS

309.06 Quality Control The Contractor shall operate in accordance with the approved Quality Control Plan (QCP) to assure a product meeting the contract requirements. The QCP shall meet the requirements of Section 106.4 - Quality Control and this Section. The Contractor shall not begin recycling operations until the Department approves the QCP in writing.

Prior to performing any recycling process, the Department and the Contractor shall hold a Pre-recycle conference to discuss the recycling schedule, type and amount of equipment to be used, sequence of operations, and traffic control. A copy of the QC random numbers to be used on the project shall be provided to the Resident. All field and plant supervisors including the responsible onsite recycling process supervisor shall attend this meeting.

The QCP shall address any items that affect the quality of the Recycling Process including, but not limited to, the following:

- A. JMF(s) including sources for all materials.
- B. Make and type of rollers including weight, weight per inch of steel wheels, and average contact pressure for pneumatic tired rollers.
- C. Testing Plan.
- D. Recycling operations including recycling speed, yield monitoring, procedures for avoiding recycling and curing in inclement weather, methods to ensure that segregation is minimized, procedures for mix design modification, grading and compacting operations, and cement and lime application procedure.
- E. Methods for protecting the finished product from damage and procedures for any necessary corrective action.
- F. Method of grade checks.
- G. Examples of Quality Control forms.
- H. Name, responsibilities, and qualifications of the Responsible onsite Recycling Supervisor experienced and knowledgeable with the process.
- I. A note that all testing will be done in accordance with AASHTO and MDOT/ACM procedures.

The Project Superintendent shall be named in the QCP, and the responsibilities for successful implementation of the QCP shall be outlined.

The Contractor shall sample, test, and evaluate the full depth reclamation process in accordance with the following minimum frequencies:

### MINIMUM QUALITY CONTROL FREQUENCIES

Test or Action	Frequency	Test Method
Density	1 per 300 m [1000 ft] / lane	AASHTO T 310
Air Temperature	4 per day at even intervals	
Surface Temperature	At the beginning and end of each days operation	
Yield of all materials (The daily yield, yield since last test, and total project yield.)	1 per 300 m [1000 ft] / lane	

The Department has the right to view any QC test and to request a QC test at any time.

The Contractor shall submit all QC test reports and summaries in writing, signed by the appropriate technician, and present them to the Department's onsite representative by 1:00 P.M. on the next working day, except when otherwise noted in the QCP due to local restrictions. The Contractor shall make all test results, including randomly sampled densities, available to the Department onsite.

The Contractor shall cease recycling operations whenever one of the following occurs:

- A. The computed yield differs from the approved Job Mix Formula by 10% or more.
- B. The Contractor fails to follow the approved QCP.
- C. The Contractor fails to achieve 98% density after corrective action has been taken.

Recycling operations shall not resume until the Department agree on the corrective action to be taken.

309.07 Test Strip The contractor shall assemble all items of equipment for the recycling operation on the first day of the foamed asphalt work. The Contractor shall construct a test strip for the project at a location approved by the Resident. The Responsible onsite Recycling Supervisor will work with Department personnel to determine the suitability of the mixed material, bitumen dispersion within the mixed material, moisture control within the mixed material, and compaction and surface finish. The test strip section is required to:

- A. Demonstrate that the equipment and processes can produce recycled layers to meet the requirements specified in these special provisions.
- B. Determine the effect on the gradation of the recycled material by varying the forward speed of the recycling machine and the rotation rate of the milling drum.
- C. Determine the sequence and manner of rolling necessary to obtain the compaction requirements and establish a target TMD. The Contractor and the Department will calibrate their respective gauges at this time.

The test strip shall be at least 100 m [300 ft] in length of a full lane-width (or a half-road width).

Full recycling production will not start until a passing test strip has been accomplished. If a test strip fails to meet the requirements of this specification, the Contractor will be required to repair or replace the test strip to the satisfaction of the Resident. Any repairs, replacement, or duplication of the test strip will be at the Contractor's expense.

Quality Assurance density testing of the recycled material will be performed by the Department using the nuclear method. After the test strip has been pulverized, the foamed asphalt added and mixed, and the roadway brought to proper shape, it will be rolled as directed until the nuclear density readings show an increase in dry density of less than 16 kg/m<sup>3</sup> [1 pcf] for the final four roller passes. This density will be used as the target TMD for the recycled material. The remaining full depth recycled material shall be compacted to a minimum density of 98% of the target density as determined in the control section.

#### ACCEPTANCE TEST FREQUENCY

Property	Frequency	Test Method
In-place Density	1 per 600 m [2000 ft] / lane	AASHTO T 310

309.08 Miscellaneous No new pavement shall be placed on the full depth recycled pavement until a curing period of 48 hours has elapsed. If inclement weather occurs, the Department reserves the right to extend the curing period.

309.09 Method of Measurement Full Depth recycled material (with Foamed Asphalt) will be measured by the square meter [ $\text{yd}^2$ ]. New aggregate, as defined under section 309.021, added to restore grade and/or cross-slope shall be measured for payment.

309.10 Basis of Payment The accepted quantity of Full Depth Recycled Pavement with Foamed Asphalt shall be paid for at the contract unit price per square meter [ $\text{yd}^2$ ], complete in-place to the specified limits, which price shall be full compensation for furnishing all equipment and labor for pulverizing, blending, placing, grading, compacting and for all incidentals necessary to complete the work including asphalt binder, water, Portland Cement, lime, and crusher dust.

Payments will be made under:

<u>Pay Item</u>	<u>Pay Unit</u>
309.35 Full Depth Recycled Pavement with Foamed Asphalt 125mm [5 in] depth	Square Meter [ $\text{yd}^2$ ]
309.36 Full Depth Recycled Pavement with Foamed Asphalt 150mm [6 in] depth	Square Meter [ $\text{yd}^2$ ]

SPECIAL PROVISION  
SECTION 309  
FULL DEPTH RECYCLED ASPHALT PAVEMENT  
(with foamed asphalt)

**Mix Design**

The Full Depth Recycled Pavement on this project will be treated with the following material proportions:

PG 64-28 asphalt binder	3.75 %
Water needed to ensure proper foaming	3 %
Portland cement (Type I or II)	1.50 %
Crusher Dust	2.00 %

The optimum moisture content for compaction shall be determined by the Department using samples obtained from the pulverized material prior to addition of the foamed asphalt, by means of AASHTO T 180, Method D.

A contract modification will be executed if percentages change from the requirements above for added asphalt, Portland cement or lime changes by more than 0.10%. Positive and negative price adjustments will be made. The price adjustment will be based upon receipted bills for materials delivered the project site. If a price adjustment is warranted, the contractor will supply the Department with all receipted bills for PG asphalt binder, Portland cement or lime for the entire project. Adjustments in water content exceeding the initial targets shall not be paid for directly, but shall be incidental.

**SPECIAL PROVISION**  
**SECTION 403**  
**HOT MIX ASPHALT OVERLAY**

Desc. of Course	Grad. Design	Item #	Bit Cont. % of Mix	Total Thick	No. of Layers	Comp. Notes
<b><u>Foamed Asphalt Treated Areas</u></b>						
<b><u>Mainline Travelway and Shoulders</u></b>						
Wearing	9.5mm	403.210	N/A	1 1/4"	1	4,7
Base	12.5mm	403.213	N/A	1 3/4"	1/more	4,7
<b><u>Shoulder Rehabilitation Areas</u></b>						
Wearing	9.5mm	403.210	N/A	1 1/2"	1	4,7
<b><u>Mill and Fill Bridge Deck</u></b>						
Wearing	9.5mm	403.210	N/A	1 1/2"	1	4,9
<b><u>Drives, Misc.</u></b>						
Wearing	9.5mm	403.209	N/A	1 1/4" – 2"	1/more	2,3,9,10,13

**COMPLEMENTARY NOTES**

2. The density requirements are waived.
3. The design traffic level for mix placed shall be <0.3 million ESALS.
4. The design traffic level for mix placed shall be 0.3 to <3 million ESALS.
7. Section 106.6 Acceptance, (1) Method A.
9. Section 106.6 Acceptance, (2) Method C.
10. A **"FINE"** 9.5 mm mix with a gradation above or through the restricted zone shall be used for this item.
13. A mixture meeting the requirements of section 703.09 Grading 'D', with a minimum PGAB content of 6%, and the limits of Special Provision 401, Table 9 (Drives and Sidewalks) for PGAB content and gradation may be substituted for this item. A job mix formula shall be submitted to the department for approval.

**Tack Coat**

A tack coat of emulsified asphalt, RS-1 or HFMS-1, Item 409.15 shall be applied to the **Foam Asphalt treated surface** and any existing pavement at a rate of approximately 0.025 gal/yd<sup>2</sup>, and on milled pavement approximately 0.05 gal/yd<sup>2</sup>, prior to placing a new course. A fog coat of emulsified asphalt shall be applied between shim /base courses and the surface course, at a rate not to exceed 0.025 gal/yd<sup>2</sup>.

Tack used between layers of pavement will be paid for at the contract unit price for Item 409.15 Bituminous Tack Coat.

SPECIAL PROVISION  
SECTION 652  
MAINTENANCE OF TRAFFIC  
(Traffic Control)

652.7 Method of Measurement. This entire Subsection is revised to read:  
Traffic Control Supervisor, furnishing, installation, and maintenance of all traffic control devices will be measured as one **lump sum** for all work authorized and performed.

652.8 Basis of Payment. This entire Subsection is revised to read:  
Traffic Control will be paid for at the contract **lump sum** price. Payment will be full compensation for the Traffic Control Supervisor, approach signs, work area signs, drums, cones, panel markers, barricades, arrow boards etc. and maintenance thereof including the setting up and taking down of lane closures as many times as necessary shall be considered part of the lump sum price.

Maintenance of signs includes: replacing devices damaged, lost, or stolen, and cleaning and moving as many times as necessary throughout the life of the contract, regardless whether the work areas or projects are geographically separated or not separated.

The Lump Sum will be payable in installments as follows: 5% of the Lump Sum once the approach signing is complete and approved, with the 95% balance to be paid as the work progresses at a rate proportional to the percentage completion of the Contract.

Failure by the contractor to follow the Contracts 652 Special Provisions and/or The Manual on Uniform Traffic Control Devices (MUTCD) and/or The Contractors own Traffic Control Plan will result in a reduction in payment, computed by reducing The Lump Sum Total by 5% per occurrence. The Departments Resident Engineer or any other representative of The Department reserves the right to suspend the work at any time and request a meeting to discuss violations and remedies. The Department shall not be held responsible for any delay in the work due to any suspension under this item.

All other requirements under the Standard Specifications Section 652 will be a part of the lump sum item.

**There will be no extra payment for this pay item after the expiration of contract time.**

Payment will be made under:

<u>Pay Item</u>	<u>Pay Unit</u>
652.39 Work Zone Traffic Control	Lump Sum

SPECIAL PROVISION  
SECTION 652  
MAINTENANCE OF TRAFFIC

Approaches Approach signing shall include the following signs as a minimum. Field conditions may warrant the use of additional signs as determined by the Resident.

Road Work Next x Miles  
Road Work 500 Feet  
End Road Work

Work Area At each work site, signs and channelizing devices shall be used as directed by the Resident. Signs include:

Road Work xxxx<sup>1</sup>  
One Lane Road Ahead  
Flagger Sign

Other typical signs include:

Be Prepared to Stop  
Low Shoulder  
Bump  
Pavement Ends

The above lists of Approach signs and Work Area signs are representative of the contract requirements. Other sign legends may be required.

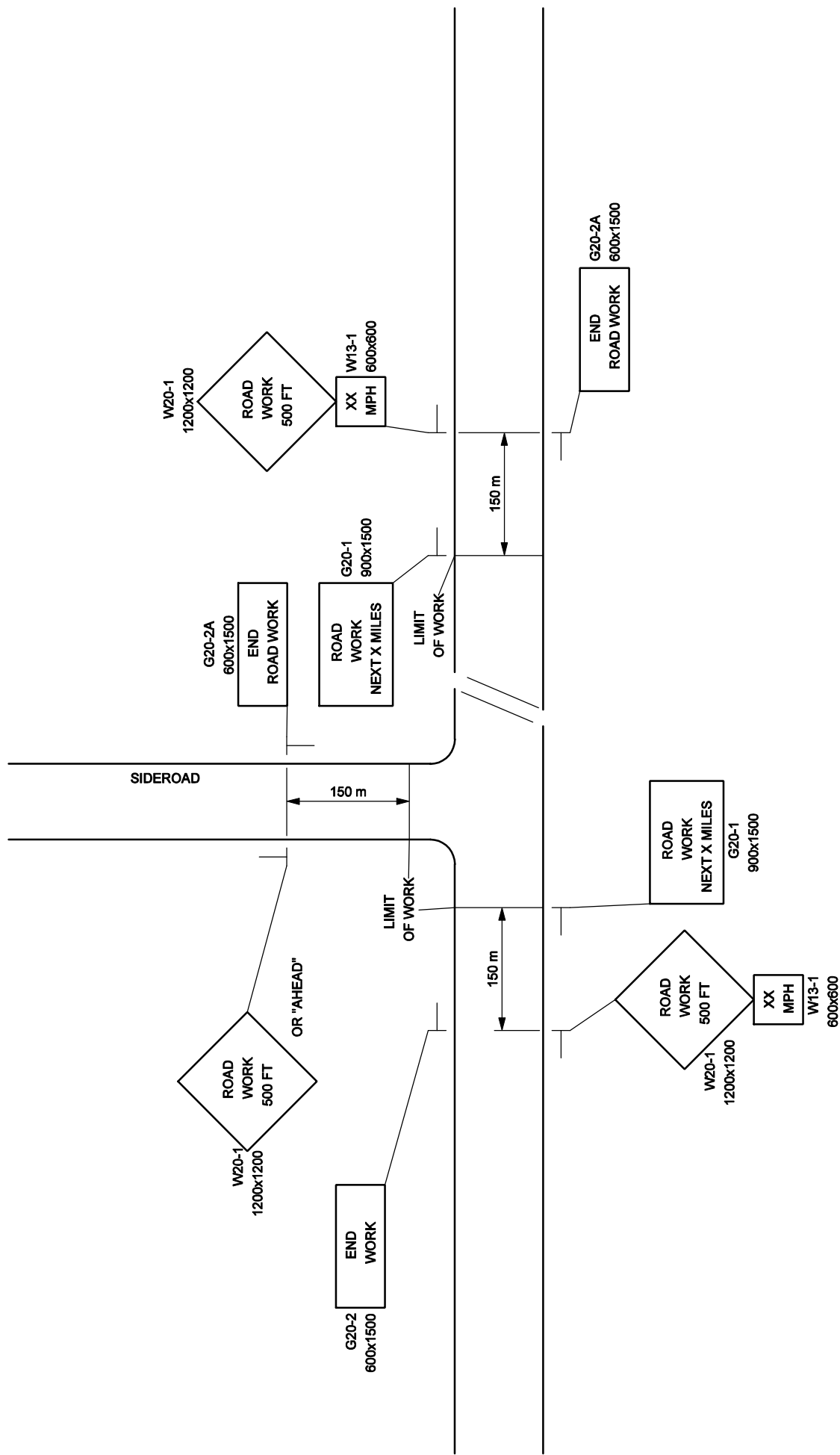
The Contractor shall conduct their operations in such a manner that the roadway will not be restricted to one lane for more than 800 m [2,500 ft] at each work area. Where more than one work area restricts traffic to one lane operation, these work areas shall be separated by at least 1.6 km [1 mile] of two way operation.

Temporary Centerline A temporary centerline shall be placed each day on all new pavement to be used by traffic. The temporary centerline, when specified of reflectorized traffic paint, shall conform to the standard marking patterns used for permanent markings.

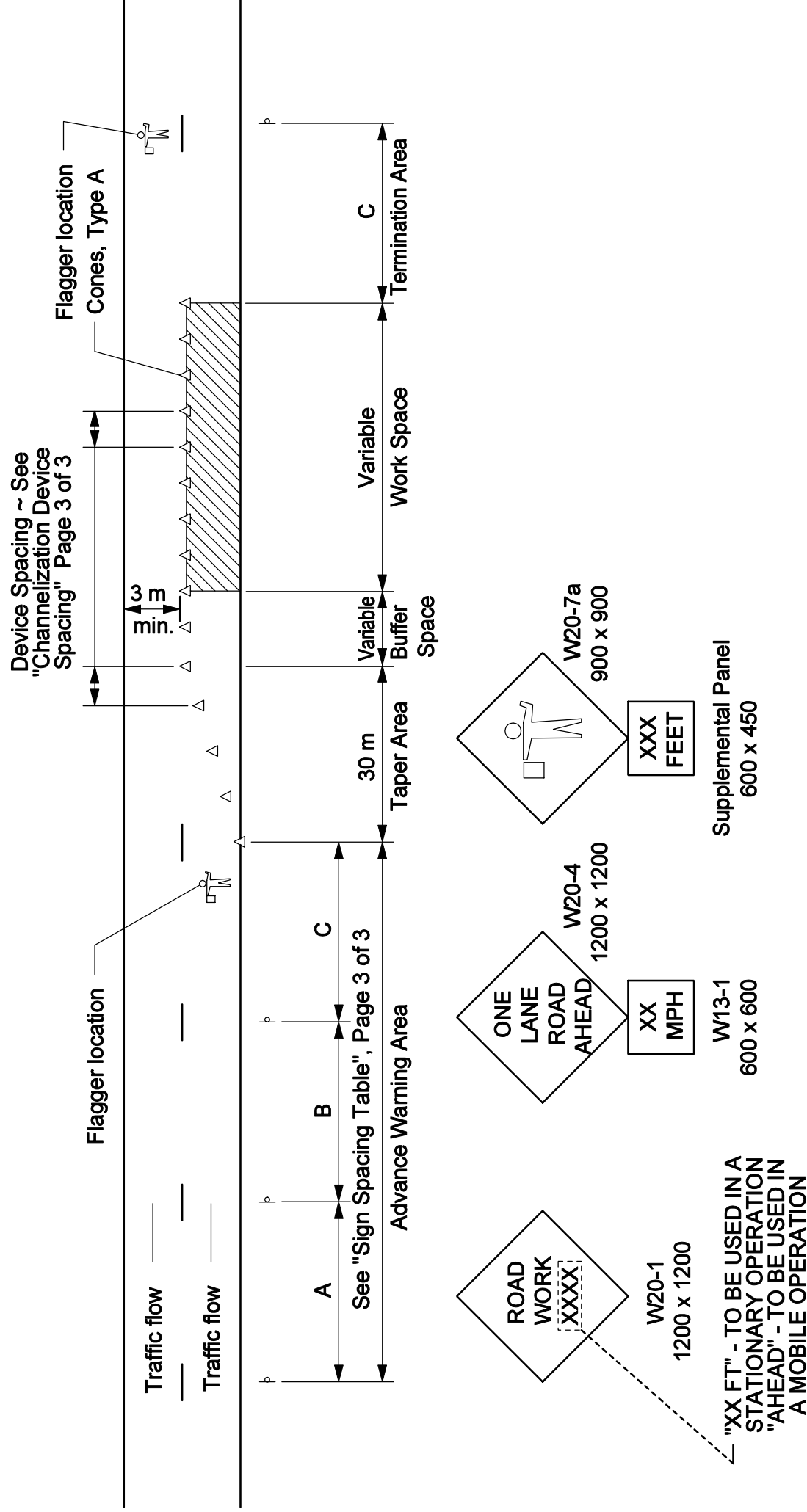
Failure to apply a temporary centerline daily will result in suspension of paving until temporary markers are applied to all previously placed pavement.

<sup>1</sup> "Road Work Ahead" to be used in mobile operations and "Road Work xx ft" to be used in stationary operations as directed by the Resident.





# TYPICAL -- PROJECT APPROACH SIGNING -- TWO WAY TRAFFIC



TYPICAL APPLICATION: TWO - WAY, TWO LANE ROADWAY,  
CLOSING ONE LANE USING FLAGGERS

\* Formulas for L are as follows:

For speed limits of 40 mph (60 km/h) or less:

$$L = \frac{WS^2}{60} \quad (L = \frac{WS^2}{155})$$

For speed limits of 45 mph (70 km/h) or greater:

$$L = WS \quad (L = \frac{WS}{1.6})$$

\* Formulas for L are as follows:

A minimum of 5 channelization devices shall be used in the taper.

TYPE OF TAPER	TAPER LENGTH (L)*
Merging Taper	at least L
Shifting Taper	at least 0.5L
Shoulder Taper	at least 0.33L
One-Lane, Two-Way Traffic Taper	100 ft (30 m) maximum
Downstream Taper	100 ft (30 m) per lane

#### CHANNELIZATION DEVICE SPACING

The spacing of channelization devices shall not exceed a distance equal to 1.0 times the speed limit in mph when used for taper channelization, and a distance in feet of 2.0 times the speed limit in mph when used for tangent channelization.

#### GENERAL NOTES;

1. Final placement of signs and devices may be changed to fit field conditions as approved by the Resident.

SIGN SPACING TABLE			
Road Type	Distance Between Signs**		
	A	B	C
Urban 30 mph (50 km/h) or less	100 (30)	100 (30)	100 (30)
Urban 35 mph (55 km/h) and greater	350 (100)	350 (100)	350 (100)
Rural	500 (150)	500 (150)	500 (150)
Expressway / Urban Parkway	2,640 (800)	1,500 (450)	1000 (300)

\*\*Distances are shown in feet (meters).

#### SUGGESTED BUFFER ZONE LENGTHS

Speed (mph)	Length (feet)	Speed (mph)	Length (feet)
20	115	40	325
25	155	45	360
30	200	50	425
35	250	55	495

**SPECIAL PROVISION**  
**SECTION 656**

Temporary Soil Erosion and Water Pollution Control

The following is added to Section 656 regarding Project Specific Information and Requirements. All references to the Maine Department of Transportation Best Management Practices for Erosion and Sediment Control (a.k.a. Best Management Practices manual or BMP Manual) are a reference to the latest revision of said manual. The "Table of Contents" of the latest version is dated "1/19/00" (available at <http://www.state.me.us/mdot/mainhtml/bmp/bmpjan2000.pdf>.)

**Procedures specified shall be according to the BMP Manual unless stated otherwise.**

Delete the last sentence of Section 656.4.4, which reads, "After Final Acceptance of the project, the Contractor must submit the log to the Department which will become the property of the Department."

Any and all references to "bark mulch" or "composted bark mix" shall be a reference to "Erosion Control Mix" in accordance with *Standard Specification, Section 619 - Mulch*.

**Project Specific Information and Requirements**

The following information and requirements apply specifically to this Project. The temporary soil erosion and water pollution control measures associated with this work shall be addressed in the SEWPCP.

- 1) This project is in the Penobscot watershed and is considered **SENSITIVE** in accordance with the BMP Manual. The Contractor's SEWPCP shall comply with Section II.B., Guidelines for Sensitive Water bodies in the BMP Manual.
- 2) Newly disturbed earth shall be mulched by the end of each workday. Mulch shall be maintained on a daily basis.
- 3) The SEWPCP shall describe the location and method of temporary erosion and sediment control for existing and proposed catch basins, outlet areas and culvert inlets and outlets.
- 4) Dust control items other than those under *Standard Specification, Section 637 – Dust Control*, if applicable, shall be included in the plan.
- 5) Permanent slope stabilization measures shall be applied within one week of the last soil disturbance.

**SPECIAL PROVISION  
SECTION 656**

**Temporary Soil Erosion and Water Pollution Control**

6) Permanent seeding shall be done in accordance with *Standard Specification, Section 618 - Seeding* unless the Contract states otherwise.

7) Culvert inlet and outlet protection shall be installed within 48 hours of culvert installation, or prior to a storm event, whichever is sooner.

8) All disturbed ditches shall be stabilized by the end of each workday. Stabilization shall be maintained on a daily basis.

9) Erosion control blanket shall be installed in the bottoms of all ditches except where a stone lining is planned. Seed shall be applied prior to the placement of the blanket.

10) If check dams are used, they shall be constructed of stone in accordance with BMP Manual, Section 9.

11) If water is flowing within the drainage system, the water shall be diverted to a stable area or conduit and work shall be conducted in the dry. The Contractor's plan shall address when and where the diversions will be necessary.

12) Demolition debris (including debris from wearing surface removal, saw cut slurry, dust, etc.) shall be contained and shall not be allowed to discharge to any resource. All demolition debris shall be disposed of in accordance with *Standard Specifications, Section 202.03, Removing Existing Superstructure, Structural Concrete, Railings, Curbs, Sidewalks and Bridges*. Containment and disposal of demolition debris shall be addressed in the Contractor's SEWPCP.

**13) CLEARING LIMIT LINES SHALL BE MINIMIZED.** Clearing shall be minimized as shown on the design plans.

**14) Class A and AA Waters - General in-stream work other than slip/ invert lining for class A and AA waters**

Stream flow shall be maintained at all times.

Grout from the post-tensioning socket sealing operation and fresh concrete shall not be allowed to contact the stream. Clean out of concrete delivery trucks and the washing of tools shall be addressed in the SEWPCP.

**SPECIAL PROVISION**  
**SECTION 656**

Temporary Soil Erosion and Water Pollution Control

The SEWPCP shall describe the containment method for removal of the existing abutments, including installation of cofferdams and dewatering procedures.

A cofferdam sedimentation basin is required if cofferdams are used. The basin shall be located in an upland area where the water can settle and seep into the ground or be released slowly to the resource in a manner that will not cause erosion. The location of such a cofferdam sedimentation basin shall be addressed in the SEWPCP.

OR

If a cofferdam sedimentation basin is used, it shall be located in an upland area where the water can settle and sink into the ground or be released slowly to the resource in a manner that will not cause erosion. The location of such a cofferdam sedimentation basin shall be addressed in the SEWPCP.

Prior to release to a natural resource, any impounded water that has been in contact with concrete placed during construction must have a pH between 6.0 and 8.5, must be within one pH unit of the background pH level of the resource and shall have a turbidity no greater than the receiving resource. This requirement is applicable to concrete that is placed or spilled (including leakage from forms) as well as indirect contact via tools or equipment. Water not meeting release criteria shall be addressed in the SEWPCP. Discharging impounded water to the stream must take place in a manner that does not cause erosion or disturb the stream bottom. **The rate of discharge must be less than 20% of the flow rate of the stream.**

The Contractor shall be responsible for monitoring pH with a calibrated meter accurate to 0.1 units. A record of pH measurements shall be kept in the Environmental Coordinator's log (*Section 656.4.4.*)

**SPECIAL PROVISION**  
**SECTION 812**  
**SEWER MANHOLE**

Description This work shall consist of the installation and adjustment of manholes as indicated in the Bid Book, Plans, or as directed by the Resident.

Sewer Manhole shall consist of removing an existing manhole and replacing with a new manhole in accordance with Section 604 - Manholes, Inlets, and Catch Basins.

Adjust Sewer Manhole to Grade shall consist of adjusting a manhole to the required final grade, including any lowering and any other adjustments that may be necessary prior to setting the final grade and in accordance with this Section and Section 604 - Manholes, Inlets, and Catch Basins.

Rebuild Sewer Manhole shall consist of rebuilding and adjusting a sewer manhole in accordance with this Section and Section 604 - Manholes, Inlets, and Catch Basins

<u>Pay Item</u>		<u>Pay Unit</u>
812.06	Sewer Manhole	Each
812.162	Adjust Sewer Manhole to Grade	Each
812.164	Rebuild Sewer Manhole	Each

**SPECIAL PROVISION**  
**SECTION 823**  
**GATE VALVE BOXES**

Description This work shall consist of the adjustment or installation of gate valve boxes as indicated in the Bid Book, Plans, or as directed by the Resident.

Gate Valve Box, Adjust to Grade shall consist of adjusting a gate valve box to the required final grade, including any lowering and any other adjustments that may be necessary prior to setting the final grade.

Gate Valve Box, Install Only shall consist of removing an existing gate valve box, installing a replacement gate valve box, and adjusting the replacement gate valve box as specified above.

Materials The municipality or utility company owning or operating the existing water main system will provide all replacement gate valve boxes necessary for the Gate Valve Box, Install Only item. Any gate valve boxes damaged by improper construction methods or handling by the Contractor, as determined by the Department, shall be replaced at the Contractor's expense.

Method of Measurement Gate Valve Box, Adjust to Grade and Gate Valve Box, Install Only will be measured by the unit each, complete and in place.

Basis of Payment Payment for Gate Valve Box, Adjust to Grade shall be full compensation for all equipment, labor, and incidental materials necessary to adjust a gate valve box as specified above.

Payment for Gate Valve Box, Install Only shall be full compensation for all equipment, labor, and incidental materials necessary to replace and adjust a gate valve box as specified above.

<u>Pay Item</u>	<u>Pay Unit</u>
823.011 Gate Valve Box, Install Only	Each
823.332 Gate Valve Box, Adjust to Grade	Each



# Permits & Cultural Resources Unit

PIN #: 11398.00

Location: Brewer

Permit Member: Laurie Rowe

Photographs ☐

Database/Projex ☒

Package to ENV Coordinator: 4/14/04

☒ **Section 106 and Tribal Consultation**

Architectural Resources

MOA ☐

Applicable ☒

Approved ☒

Archeological Resources

MOA ☐

Applicable ☒

Approved ☒

Tribal Consultation

N/A ☒

Applicable ☐

Approved ☐

☒ **4(f) and 6(f)**

Section 4(f)

N/A ☒

Applicable ☐

Approved ☐

LAWCON 6(f)

N/A ☒

Applicable ☐

Approved ☐

☒ **FEMA**

N/A ☒

Applicable ☐

Approved ☐

☒ **Maine Department of Environmental Protection (MDEP) Site Location of Development**

N/A ☒

Applicable ☐

Approved ☐

☒ **Local Zoning, Title 30-A, Section 4325-6.**

Is the project something other than the highway and bridge system, such as a maintenance lot, building/parking facility? Yes

☐ No ☒. If no, the project is exempt.

If yes, continue. Does the town in which the project is located have a comprehensive plan consistent with the Growth Management Program? Yes ☐ No ☐. If no, the project is exempt.

If yes, local zoning ordinances and/or permits are needed.

Approved ☐

☒ **Maine Department of Inland Fisheries and Wildlife (MDIFW) Essential Habitat**

Eagle Nest

N/A ☐

Applicable ☒

Approved ☒

Piping Plover

N/A ☒

Applicable ☐

Approved ☐

Roseate Tern

N/A ☒

Applicable ☐

Approved ☐

**Work with in Essential Habitat area is limited to August 15 to October 31**

☒ **United States Fish and Wildlife Service (USFWS), Migratory Bird Act**

N/A ☒

Applicable ☐

☒ **Maine Department of Conservation/ Public Lands, Submerged Land Lease**

N/A ☒

Applicable ☐

☒ **Land Use Regulation Commission (LURC)** ☒ Not Applicable

No permit

☐

Notice

☐

Approved ☐

Permit

☐

Approved ☐

☒ **Maine Department of Environmental Protection (MDEP), Natural Resource Protection Act**

No permit required ☐

Exempt ☐

(Must use erosion and sediment control and not block fish passage.)

PBR ☒

Approved ☒

Tier 1 ☐

Approved ☐

Tier 2 ☐

Approved ☐

Tier 3 ☐

Approved ☐

☒ **Army Corps of Engineers (ACOE), Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.**

No permit required ☐

Category 1-NR ☒

Approved ☒

Category 2 ☐

Approved ☐

Category 3 ☐

Approved ☐

☒ **IN-WATER TIMING RESTRICTIONS: 105 Special Provision** ☒ n/a ☐

Dates instream work is allowed: 7/15 to 10/1

☒ **Special Provision 656, Erosion Control Plan**

Boxes marked in red indicate items that are attached and need to be placed in the contract by the Project Manager.



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Maine Field Office  
1168 Main Street  
Old Town, ME 04468-2023  
(207) 827-5938



In Reply Refer To:  
FWS/Region 5/ES/MEFO

April 7, 2004

Mr. Richard Bostwick  
MDOT – Environmental Office  
16 State House Station  
Augusta, ME 04333-0016

Dear Mr. Bostwick:

Thank you for your letter requesting information or recommendations from the U.S. Fish and Wildlife Service. This letter provides the Service's response pursuant to Section 7 of the Endangered Species Act (ESA), as amended (16 U.S.C. 1531-1543), and the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-667d).

**Project Name/Location/County:** MDOT, Brewer PIN 11398 Eagle nest Route 6/15

**Date of Receipt of Incoming Letter:** March 25, 2004

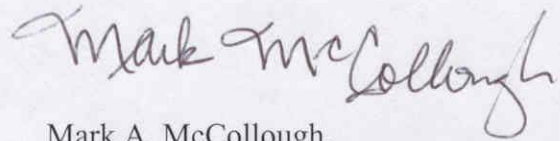
**Log Number:** 04-204

We have reviewed your request for information about endangered and threatened species and their habitats for the above referenced project. As you have indicated, the federally threatened bald eagle (*Haliaeetus leucocephalus*) is known to occur at this location, near the project. Based on the project description and location and timing constraints (no work window of February 1 through August 15), the Fish and Wildlife Service concurs with your determination that no impacts to Federally listed species will occur as a result of the proposed actions. Accordingly, no further action is required under Section 7 of the ESA, unless: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered; (2) this action is subsequently modified in a manner that was not considered in this review; or (3) a new species is listed or critical habitat determined that may be affected by the identified action.

A list of federally-listed species in Maine is enclosed for your information. Please contact the Maine Department of Inland Fisheries (Beth Swartz, Natural Heritage Data Manager, Maine Inland Fisheries and Wildlife, 650 State St., Bangor, ME 04401 Phone: 207 941-4476) and Wildlife and Maine Natural Areas Program (Emily Pinkham, Natural Heritage Data Manager, Maine Natural Areas Program, 93 State House Station, Augusta, ME 04333 207 287-8044) for further information on state-listed species in the project area.

If you have any questions, please call me at (207) 827-5938.

Sincerely,

A handwritten signature in dark ink, reading "Mark McCollough". The signature is written in a cursive style with a large, stylized "M" and "C".

Mark A. McCollough,  
Endangered Species Biologist

Enclosure





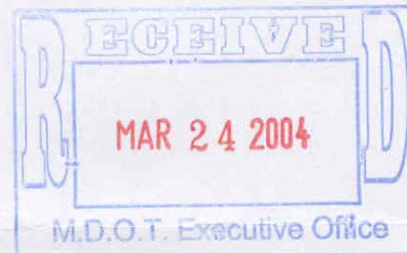
JOHN ELIAS BALDACCI  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF  
INLAND FISHERIES AND WILDLIFE  
284 STATE STREET  
41 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0041

ROLAND D. MARTIN  
COMMISSIONER

March 23, 2004

John E. Dority, Chief Engineer  
Maine Department of Transportation  
16 State House Station  
Augusta, ME 04333



Ref: Essential Habitat Evaluation; BE 199A, BE199B, Brewer  
MDOT PIN 11398.00

Dear Mr. Dority,

This Department has received a Request for Project Evaluation from the Maine Department of Transportation (MDOT) for permission to undertake a Level II highway resurfacing project on Route 9 in Brewer, Penobscot County, including a section within Essential Habitats BE 199A and BE 199B, as designated by Maine Statute 12 MRSA, Section 7754.2. This project will involve recontouring the road surface elevation for sight distance improvement, guardrail, underdrain and ditching updates, grinding existing pavement, and repaving. Contracted utility work will be subject to timing constraints as part of the complete project. Project construction within the Essential Habitat is proposed to start after August 15, and be completed by October 31, 2004.

Upon review of the information provided by the applicant, my staff has recommended, and I agree, that the proposed activities will not significantly alter this Essential Habitat or violate the protection guidelines adopted by this Department (Chapter 8.03 A.4) in conformance with Maine Statute 12 MRSA, Section 7754.3. Therefore this letter constitutes our approval for you to undertake the proposed activity for the work specifically described in the request.

This letter also serves as concurrent fulfillment of Maine Department of Environmental Protection requirements for filing a Request for Project Evaluation with MDIFW before issuing permits for activities within Essential Habitats, and authorizes the Maine Department of Environmental Protection to issue any Permit(s) under the Natural Resources Protection Act to the MDOT as may be necessary for the project as specifically described in the MDOT request.

Sincerely,

Kenneth D. Elowe, Director  
Bureau of Resource Management

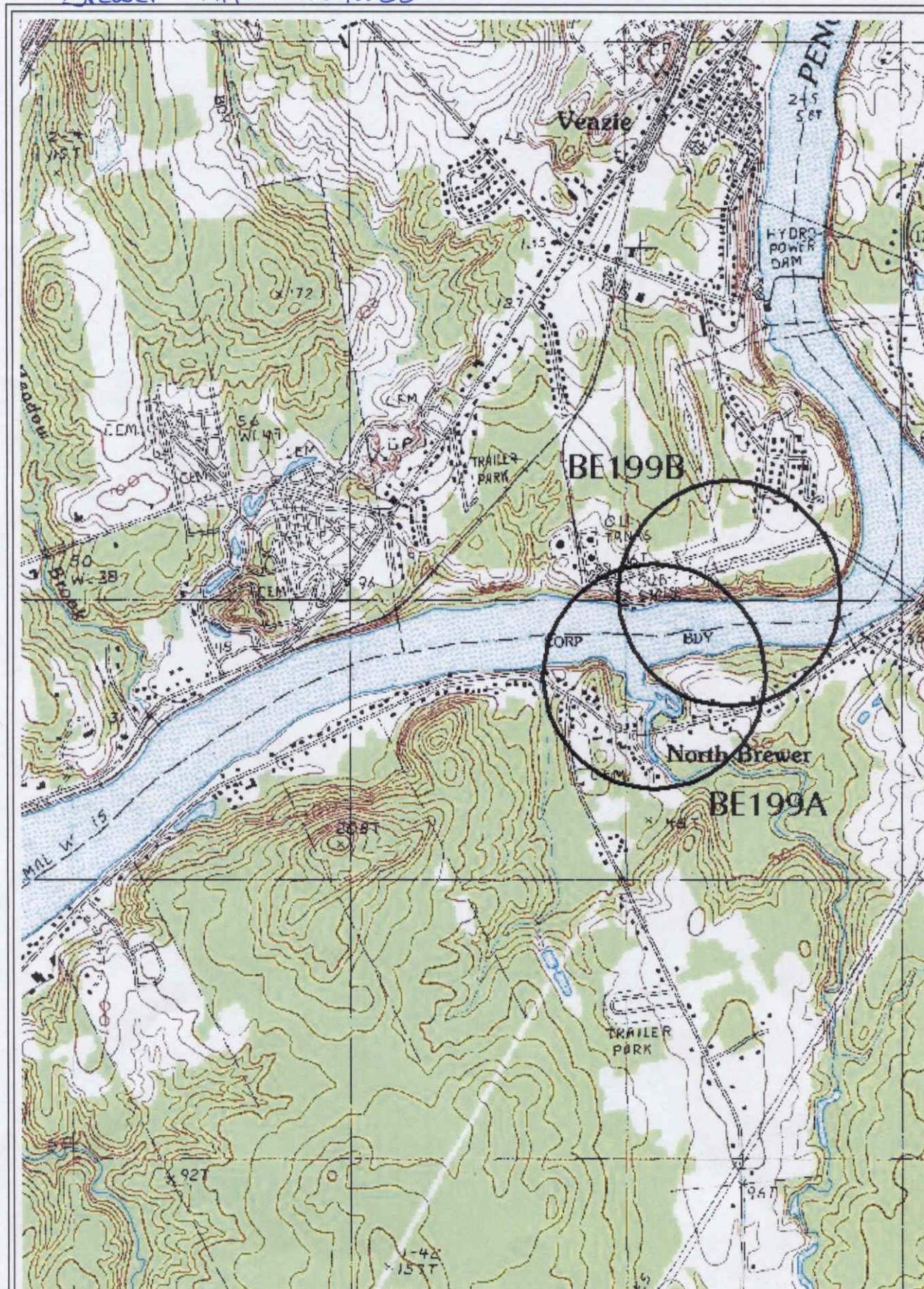
cc: David Gardner, Supervisor, Permits & Cultural Resources, MDOT  
Thomas Schaeffer, MDIFW Regional Headquarters  
Charles Todd, MDIFW Resource Assessment



PRINTED ON RECYCLED PAPER



Brewer Pin # 11398.00





DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP)  
PERMIT BY RULE NOTIFICATION FORM  
(For use with DEP Regulation, Chapter 305)

■ MDOT PIN: 11398.00

Name of Applicant: State of Maine Department of Transportation  
Mailing Address: 16 Station State House  
Daytime Telephone #: (207)-624-3105

Town/City: Augusta  
Name of Wetland, Water Body or Stream: Penobscot River

Name of Contact: David Gardner  
State: Me. Zip Code: 04330-0016

Detailed Directions to Site: Project is on Rte 9 beginning 0.08 of a mile easterly of State Street and extending easterly 3.72 miles to the Eddington town line.

Town/City: Brewer

Map #: N/A

Lot #: N/A

County: Penobscot

Description of Project: Highway overlay involving culvert, guardrail, slope and ditch maintenance and repairs. The project will be performed in accordance with erosion control measures conforming with the latest versions of the *State of Maine Department of Transportation Standard Specifications for Highways and Bridges* and the *Department of Transportation's Best Management Practices for Erosion and Sediment Control*.

Part of a larger project? ☐ Yes ☒ No

(CHECK ONE) This project... ☒ does ☐ does not ...involve work below mean low water.

I am filing notice of my intent to carry out work which meets the requirements for Permit By Rule (PBR) under DEP Regulation, Chapter 305. I have a copy of PBR Sections checked below. I have read and will comply with all of the standards.

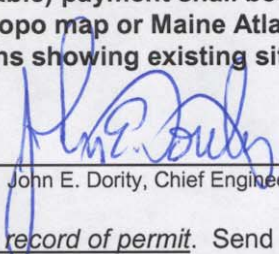
- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Sec. (2) Soil Disturbance                | <input type="checkbox"/> Sec. (8) Shoreline stabilization                         | <input type="checkbox"/> Sec. (14) Piers, Wharves & Pilings   |
| <input type="checkbox"/> Sec. (3) Intake Pipes                    | <input type="checkbox"/> Sec. (9) Utility Crossing                                | <input type="checkbox"/> Sec. (15) Public Boat Ramps          |
| <input type="checkbox"/> Sec. (4) Replacement of Structures       | <input type="checkbox"/> Sec. (10) Stream Crossing                                | <input type="checkbox"/> Sec. (16) Coastal Sand Dune Projects |
| <input type="checkbox"/> Sec. (5) REPEALED                        | <input checked="" type="checkbox"/> Sec. (11) State Transport. Facilities         | <input type="checkbox"/> Sec. (17) Transfers/Permit Extension |
| <input type="checkbox"/> Sec. (6) Movement of Rocks or Vegetation | <input type="checkbox"/> Sec. (12) Restoration of Natural Areas                   | <input type="checkbox"/> Sec. (18) Maintenance Dredging       |
| <input type="checkbox"/> Sec. (7) Outfall Pipes                   | <input type="checkbox"/> Sec. (13) F&W Creation/Enhance/Water Quality Improvement |   |

I authorize staff of the Departments of Environmental Protection, Inland Fisheries & Wildlife, and Marine Resources to access the project site for the purpose of determining compliance with the rules. I also understand that **this permit is not valid until approved by the Department or 14 days after receipt by the Department, whichever is less.**

I have attached all of the following required submittals. **NOTIFICATION FORMS CANNOT BE ACCEPTED WITHOUT THE NECESSARY ATTACHMENTS:**

- A \$50 (non-refundable) payment shall be done by internal billing.
- **Attach** a U.S.G.S. topo map or Maine Atlas & Gazetteer map with the project site clearly marked.
- ☐ **Attach** photographs showing existing site conditions (unless not required under standards).

Signature of Applicant:

  
John E. Dority, Chief Engineer

Date:

10/17/03

Keep the bottom copy as a record of permit. Send the form with attachments via certified mail to the Maine Dept. of Environmental Protection **at the appropriate regional office listed below.** The DEP will send a copy to the Town Office as evidence of the DEP's receipt of notification. No further authorization by DEP will be issued after receipt of notice. Permits are valid for two years. **Work carried out in violation of any standard is subject to enforcement action.**

AUGUSTA DEP STATE HOUSE STATION 17 AUGUSTA, ME 04333-0017 (207)287-2111 PORTLAND DEP 312  
CANCO ROAD PORTLAND, ME 04103 (207)822-6300 BANGOR DEP 106 HOGAN ROAD BANGOR, ME  
04401 (207)941-4570 PRESQUE ISLE DEP 1235 CENTRAL DRIVE PRESQUE ISLE, ME 04769 (207)764-0477

OFFICE USE ONLY  
PBR #

FP

Ck.#

Date

Staff

Acc. Date

Staff

Def. Date

After Photos

**Chapter 305: PERMIT BY RULE Section 11**  
**State Transportation Facilities**

---

- 1. Introduction.** A "permit by rule" or "PBR", when approved by the Department of Environmental Protection (DEP), is an approval for an activity that requires a permit under the Natural Resources Protection Act (NRPA). Only those activities described in this chapter may proceed under the PBR process. A PBR activity will not significantly affect the environment if carried out in accordance with this chapter, and generally has less of an impact on the environment than an activity requiring an individual permit. A PBR satisfies the Natural Resources Protection Act (NRPA) permit requirement and Water Quality Certification requirement.

If a proposed activity is not described in this chapter, or will not be conducted in accordance with the standards of this chapter, the applicant must obtain an individual permit prior to beginning the activity.

- A. Location of activity.** The location of an activity may affect whether an activity qualifies for PBR, and whether review by the Department of Inland Fisheries and Wildlife is required.

- (1) Type of resource. For some types of activities, the availability of a PBR is affected by the type of natural resource in or adjacent to which the activity is proposed. For example, an applicant proposing an activity consisting of "Movement of rocks or vegetation" may receive a PBR only if the activity will take place in a great pond, river, stream or brook. Limitations concerning the location of activities are addressed in the "Applicability" provision in each section of this chapter.
- (2) Essential habitat. Essential habitats include areas critical to the survival of threatened and endangered species such as the bald eagle, least tern, roseate tern, and piping plover. If the activity is located in essential habitat, such as near an eagle nesting site, a PBR is only available if the applicant obtains written approval from the Department of Inland Fisheries and Wildlife (IF&W). This approval from IF&W must be submitted to the DEP with the PBR notification form, and the applicant must follow any conditions stated in the IF&W approval.

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NOTE: Maps showing areas of essential habitat are available from the Department of Inland Fisheries and Wildlife regional headquarters, municipal offices, the Land Use Regulation Commission (for unorganized territories) and DEP regional offices. If the activity is located in essential habitat, IF&W must be contacted to request and obtain a "certification of review and approval".

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- B. Notification.** The applicant must file notice of the activity with the DEP prior to beginning work on the activity. The notification must be on a form provided by the DEP and must include any submissions required in this chapter. The applicant must keep a copy to serve as the permit.

The notification form must be sent to the DEP by certified mail (return receipt requested), or hand delivered to the DEP and date stamped by the department.

**C. Effective period**

- (1) Beginning of period. The PBR becomes effective 14 calendar days after the DEP receives the notification form, unless the DEP approves or denies the PBR prior to that date. If the DEP does not speak with or write to the applicant within this 14 day period regarding the PBR notification, the applicant may proceed to carry out the activity.

There are three exceptions regarding the effective date of an approved PBR:

- (a) Activities listed in Section 10 (Stream crossings) occurring in association with forest management are exempt from the 14 day waiting period.
- (b) Activities listed in Section 2 (Soil disturbance) and Section 10 (Stream crossings) performed or supervised by individuals currently certified in erosion control practices by the DEP are exempt from the 14 day waiting period. To be certified in erosion control practices, an individual must successfully complete all course requirements of the Voluntary Contractor Certification Program administered by the DEP's Nonpoint Source Training and Resource Center.
- (c) Activities that are part of a larger project requiring a permit under the Site Location of Development or the Storm Water Management Acts may not proceed until any required permit under those laws is obtained.

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NOTE: Activities that are part of a larger project may require other permits from the DEP also. These other laws may prohibit the start of construction of any part of the project unless a permit under that law is obtained. In these cases, while not a violation of this rule, starting work on a PBR approved activity would be a violation of those other applicable laws.

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- (2) End of period. The PBR is generally effective for 2 years from the date of approval, except that a PBR for "Replacement of structures" under Section 4 is effective for 3 years.

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NOTE: Activities that qualify under this chapter may need to meet other local, state and federal requirements. Examples -- (1) If an activity extends below the low water line of a lake, coastal wetland or international boundary water, the applicant should contact the Bureau of Parks and Lands (287-3061) concerning possible lease or easement requirements, or (2) If an activity will involve work below the mean high water line in navigable waters of the United States, the applicant should contact the Army Corps of Engineers (623-8367).

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**D. Discretionary authority.** Notwithstanding compliance with the PBR applicability requirements and standards set forth in this chapter, the DEP may require an individual permit application to be filed in any case where credible evidence indicates that the activity:

- (1) May violate the standards of the NRPA (38 M.R.S.A. Section 480-D);
- (2) Could lead to significant environmental impacts, including cumulative impacts; or
- (3) Could adversely impact a resource of special concern.

If an individual permit is required pursuant to this subsection, the DEP shall notify the applicant in writing within the 14 calendar day waiting period described in sub-section (C) above. When the DEP notifies an applicant that an individual permit is required, no work may be conducted unless and until the individual permit is obtained.

**E. Violations.** A violation of law occurs when a person, or his or her agent, performs or causes to be performed any activity subject to the NRPA without first obtaining a permit from the DEP, or acts contrary to the provisions of a permit. The person, his or her agent, or both, may be held



responsible for the violation. Commonly, the "person" is the landowner, and the "agent" is the contractor carrying out the activity. A violation occurs when:

- (1) An activity occurs that is not allowed under PBR, whether or not a PBR notification form has been filed with and/or approved by the DEP;
- (2) An activity occurs that is allowed under PBR, but a PBR for the activity has not become effective prior to the beginning of the activity; or
- (3) An activity occurs that is allowed under PBR and a PBR for the activity is in effect, but the standards specified in this chapter are not met.

See the "applicability" provision under each activity for rules concerning what activities are allowed under PBR. A PBR is only valid for the person listed on the notification form, or for his or her agent.

Each day that a violation occurs or continues is considered a separate offense. Violations are subject to criminal penalties and civil penalties of not less than \$100 nor more than \$10,000 for each day of that violation (38 M.R.S.A. Section 349).

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NOTE: A local Code Enforcement Officer (CEO) may take enforcement action for a violation of the Natural Resources Protection Act if he or she is authorized to represent a municipality in District Court, and he or she has been certified as familiar with court procedures, 30-A M.R.S.A. Section 4452(7).

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**Chapter 305 Section 11****State transportation facilities****A. Applicability**

- (1) This section applies to the maintenance, repair, reconstruction, rehabilitation, replacement or minor construction of a State Transportation Facility carried out by, or under the authority of, the Maine Department of Transportation or the Maine Turnpike Authority, including any testing or preconstruction engineering, and associated technical support services.
- (2) This section does not apply to an activity within a coastal sand dune system.

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NOTE: The construction of a transportation facility other than roads and associated facilities may be subject to the Storm Water Management Law, 38 M.R.S.A. Section 420-D.

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**B. Standards**

- (1) Photographs of the area to be altered by the activity must be taken before work on the site begins. The photographs must be kept on file and be made available at the request of the DEP.
- (2) The activity must be reviewed by the Department of Inland Fisheries and Wildlife, the Department of Marine Resources, the Atlantic Salmon Authority, and the DEP's Division of Environmental Assessment prior to the notification being filed with the DEP. The activity must be performed according to any recommendations from these authorities.
- (3) The activity must be performed in accordance with erosion control measures conforming with the State of Maine Department of Transportation Standard Specifications for Highways and Bridges Revision of April 1995 and with the Department of Transportation's Best Management Practices for Erosion and Sediment Control, September 1997.

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NOTE: Guidance on the use of erosion control best management practices can be obtained from the on site Construction Manager.

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- (4) Alignment changes may not exceed a distance of 200 feet between the old and new center lines in any natural resource.
- (5) The activity may not alter more than 300 feet of shoreline (both shores added together) within a mile stretch of any river, stream or brook, including any bridge width or length of culvert.
- (6) The activity may not alter more than 150 feet of shoreline (both shores added together) within a mile stretch of any outstanding river segment identified in 38 M.R.S.A. 480-P, including any bridge width or length of culvert.
- (7) The activity must minimize wetland intrusion. The activity is exempt from the provisions of Chapter 310, the Wetland Protection Rules, if the activity alters less than 15,000 square feet of natural resources per mile of roadway (centerline measurement) provided that the following impacts are not exceeded within the 15,000 square foot area:

- (a) 1,000 square feet of coastal wetland consisting of salt tolerant vegetation or shellfish habitat; or
- (b) 5,000 square feet of coastal wetland not containing salt tolerant vegetation or shellfish habitat; or
- (c) 1,000 square feet of a great pond.

All other activities must be performed in compliance with all sections of Chapter 310, the Wetland Protection Rules, except 310.2(C), 5(A), 9(1), 9(B) and 9(C).

- (8) The activity may not permanently block any fish passage in any watercourse containing fish. The applicant must improve passage beyond what restriction may already exist unless the Department of Inland Fisheries and Wildlife, the Department of Marine Resources, the Atlantic Salmon Authority and the DEP's Division of Environmental Assessment concur that the improvement is not necessary.
- (9) Rocks may not be removed from below the normal high water line of any coastal wetland, freshwater wetland, great pond, river, stream or brook except to the minimum extent necessary for completion of work within the limits of construction.
- (10) If work is performed in a river, stream or brook that is less than three feet deep at the time and location of the activity, with the exception of culvert installation, the applicant must divert flow away from the activity while work is in progress.
  - (a) Diversion may be accomplished by the use of stable, inert material. No more than two thirds (2/3) of stream width may be diverted at one time.
  - (b) Any material used to divert water flow must be completely removed upon completion of the activity, and the stream bottom must be restored to its original condition.
  - (c) A pump may be operated, where necessary, for a temporary diversion. The pump outlet must be located and operated such that erosion or the discharge of sediment to the water is prevented.

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NOTE: Guidance on the appropriate location of a diversion and materials which should be used for a stream diversion can be obtained from the on site Construction Manager.

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- (11) Wheeled or tracked equipment may not operate in the water. Equipment operating on the shore may reach into the water with a bucket or similar extension. Equipment may cross streams on rock, gravel or ledge bottom.
- (12) All wheeled or tracked equipment that must travel or work in a vegetated wetland area must travel and work on mats or platforms.
- (13) Any debris or excavated material must be stockpiled either outside the wetland or on mats or platforms. Hay bales or silt fence must be used, where necessary, to prevent sedimentation. Any debris generated during the activity must be prevented from washing downstream and must be removed from the wetland or water body. Disposal of debris must be in conformance with the Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S.A. Section 1301 et seq.

- (14) Work below the normal high water line of a great pond, river, stream or brook must be done at low water except for emergency work or work agreed to by the resource agencies listed in paragraph 2 above. Measures, such as a silt boom or staked fencing, must be employed to reduce and isolate turbidity.
- (15) Perimeter controls must be installed before the work starts. Disturbance of natural resources beyond the construction limits shown on the plans is not allowed under this rule.

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NOTE: Guidance on the location of construction limits can be obtained from the on site Construction Manager.

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- (16) The use of untreated lumber is preferred. Lumber pressure treated with chromated copper arsenate (CCA) may be used, provided it is cured on dry land in a manner that exposes all surfaces to the air for a period of at least 21 days prior to construction. Wood treated with creosote or pentachlorophenol may not be used where it will contact water.
- (17) A temporary road for equipment access must be constructed of crushed stone, blasted ledge, or similar materials that will not cause sedimentation or restrict fish passage. Such roads must be completely removed at the completion of the activity. In addition, any such temporary roads which are in rivers, streams or brooks, must allow for a passage of stormwater flows associated with a 10-year storm.
- (18) Soil may not be disturbed during any period when soils are saturated due to rain or snow melt, except as necessary to protect work in progress or as required for bridge maintenance activities. Areas where soils are saturated (i.e. water drips from the soil when squeezed by hand, or the soil is capable of being rolled into a rod 1/8th inch in diameter that does not crumble) must be immediately mulched if they are disturbed.
- (19) Disturbed soil must be protected within one week from the time it was last actively worked, and prior to any storm event, using temporary or permanent measures such as the placement of riprap, sod, mulch, erosion control blankets, or other comparable measures.
- (20) Hay bale or straw mulch, where used, must be applied at a rate of at least one bale per 500 square feet (1 to 2 tons per acre).
- (21) If mulch is likely to be moved because of steep slopes or wind exposure, it must be anchored with netting, peg and twine, binder or other suitable method and must be maintained until a catch of vegetation is established over the entire disturbed area.
- (22) In addition to the placement of riprap, sod, erosion control blankets or mulch, additional steps must be taken where necessary to prevent sedimentation of the water. Evidence of sedimentation includes visible sheet, rill or gully erosion, discoloration of water by suspended particles and/or slumping of banks. Silt fences, staked hay bales and other sedimentation control measures, where planned for, must be in place prior to the commencement of an activity, but must also be installed whenever necessary to prevent erosion and sedimentation.

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NOTE: Guidance on the location and proper installation of erosion control measures can be obtained from the on site Construction Manager.

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- (23) Temporary erosion control measures must be maintained and inspected weekly until the site is permanently stabilized with vegetation or other permanent control measures. Erosion control measures must also be inspected immediately prior to and following storms.
- (24) Permanent erosion control measures protecting all disturbed areas must be implemented within 30 days from the time the areas were last actively worked, or for fall and winter activities by the following June 15, except where precluded by the type of activity (e.g. riprap, road surfaces, etc.). The permanent erosion control measures must be maintained.
- (25) The applicant shall immediately take appropriate measures to prevent erosion or sedimentation from occurring or to correct any existing problems, regardless of the time of year.
- (26) Non-native species may not be planted in restored areas.
- (27) Disposal of debris must be in conformance with Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S.A. Sections 1301 et seq.
- (28) Disturbance of vegetation must be avoided, if possible. Where vegetation is disturbed outside of the area covered by any road or structure construction, it must be reestablished immediately upon completion of the activity and must be maintained.
- (29) A vegetated area at least 25 feet wide must be established and maintained between any new stormwater outfall structure and the high water line of any open water body. A velocity reducing structure must be constructed at the outlet of the stormwater outfall that will create sheet flow of stormwater, and prevent erosion of soil within the vegetated buffer. If the 25 foot vegetated buffer is not practicable, the applicant must explain the reason for a lesser setback in writing. Approval from the DEP must be in writing and any recommendations must be incorporated into the activity.

**C. Definitions.** The following terms, as used in this chapter, have the following meanings, unless the context indicates otherwise:

- (1) Diversion. A rerouting of a river, stream or brook to a location outside of its established channel.
- (2) Fill. a. (verb) To put into or upon, supply to, or allow to enter a water body or wetland any earth, rock, gravel, sand, silt, clay, peat, or debris; b. (noun) Material, other than structures, placed in or immediately adjacent to a wetland or water body.
- (3) Floodplain wetlands. Freshwater wetlands that are inundated with flood water during a 100-year flood event based on flood insurance maps produced by the Federal Emergency Agency or other site specific information.
- (4) Riprap. Rocks that are fit into place, usually without mortar, on a slope as defined in the State of Maine, Department of Transportation, Standard Specifications for Highway and Bridges, revision of April 1995.

Permit No: GP-39

Effective Date: Sept. 29, 2000  
Expiration Date: Sept. 29, 2005

Applicant: General Public, State of Maine

**DEPARTMENT OF THE ARMY  
PROGRAMMATIC GENERAL PERMIT  
STATE OF MAINE**

The New England District of the U.S. Army Corps of Engineers hereby issues a programmatic general permit (PGP) that expedites review of minimal impact work in coastal and inland waters and wetlands within the State of Maine. Activities with minimal impacts, as specified by the terms and conditions of this general permit and on the attached DEFINITION OF CATEGORIES sheets, are either non-reporting (provided required local and state permits are received), or are reporting, to be screened by the Corps and Federal Resource Agencies for applicability under the general permit. This general permit does not affect the Corps individual permit review process or activities exempt from Corps jurisdiction.

**Activities Covered:** work and structures that are located in, or that affect, navigable waters of the United States (regulated by the Corps under Section 10 of the Rivers and Harbors Act of 1899) and the discharge of dredged or fill material into waters of the United States (regulated by the Corps under Section 404 of the Clean Water Act), and the transportation of dredged material for the purpose of disposal in the ocean (regulated by the Corps under Section 103 of the Marine Protection, Research and Sanctuaries Act).

**PROCEDURES:**

**A. State Approvals**

For projects authorized pursuant to this general permit that are also regulated by the State of Maine, the following state approvals are also required and must be obtained in order for this general permit authorization to be valid (applicants are responsible for ensuring that all required state permits and approval have been obtained):

- (a) Maine Department of Environmental Protection (DEP): Natural Resources Protection Act permit, including permit-by-rule and general permit authorizations; Site Location and Development Act permit; and Maine Waterway Development and Conservation Act.
- (b) Maine Department of Conservation: Land Use Regulation Commission (LURC) permit.
- (c) Maine Department of Marine Resources: Lease.
- (d) Bureau of Public Lands, Submerged Lands: Lease.

Note that projects not regulated by the State of Maine (e.g., seasonal floats or moorings) may still be authorized by this general permit.

## **B. Corps Authorizations: Category I (Non-Reporting)**

Work in Maine subject to Corps jurisdiction that meets the definition of Category I on the attached DEFINITION OF CATEGORIES sheets and that meets all of this permit's other conditions, does not require separate application to the Corps of Engineers. If the State or the Corps does not contact the applicant for PBRs and Tier One permits during the State's Tier One 30-day review period, Corps approval may be assumed and the project may proceed. Refer to the Procedures Section at Paragraph E below for additional information regarding screening.

**Note that the review thresholds under Category I apply to single and complete projects i only** (see special condition 5). **Also note that Category I does not apply to projects occurring in a component of, or within 0.25 miles up and downstream of the main stem or tributaries of a river segment of the National Wild and Scenic River System** (see condition 11, and page 9 for the listed rivers in Maine).

There are also restrictions on other national lands or concerns, which must be met in order for projects to be eligible for authorization under this PGP. Refer to special conditions 6-13 under Paragraph F below.

Work that is not regulated by the State of Maine, but that is subject to Corps jurisdiction, is eligible for Corps authorization under this PGP in accordance with the review thresholds and conditions contained herein.

Although Category I projects are non-reporting, the Corps reserves the right to require screening or an individual permit review if there are concerns for the aquatic environment or any other factor of the public interest (see special condition 4 on Discretionary Authority). The Corps review or State/Federal screening process may also result in project modification, mitigation or other special conditions necessary to minimize impacts and protect the aquatic environment as a requirement for PGP approval.

## **C. Corps Authorization: Category II (Reporting - requiring screening) APPLICATION PROCEDURES**

For projects that do not meet the terms of Category I (see DEFINITION OF CATEGORIES sheets), the Corps, State, and Federal Resource Agencies will conduct joint screening meetings to review applications. If projects are concurrently regulated by the DEP or LURC, applicants do not need to submit separate applications to the Corps. For projects not regulated by DEP or LURC, applicants must submit an application to the Corps Maine Project Office for a case-by-case determination of eligibility under this general permit (Category II). **Category II projects may not proceed until written notification is received from the Corps.**

Category II projects which occur in a component of, or within 0.25 mile up or downstream of the main stem or tributaries of a river segment of the National Wild and Scenic River System, will be coordinated with the National Park Service (see special condition 11, and page 9 for listed rivers in Maine).

There are also restrictions on other national lands or concerns, which must be met in order for projects to be eligible for authorization under this PGP. Refer to special conditions 6-14 under Paragraph E below.

Category II applicants shall submit a copy of their application materials to the Maine Historic Preservation Commission and/or applicable Indian tribe(s) at the same time, or before, they apply to the DEP, LURC, or the Corps so that the project can be reviewed for the presence of historic/archaeological resources in the project area that may be affected by the proposed work. **Applications to the DEP or the Corps should include information to indicate that this has been done (applicant's statement or copy of cover letter to Maine Historic Preservation Commission and/or Indian tribe(s)).**

**The Corps may require additional information on a case-by-case basis as follows:**

- (a) purpose of project;
- (b) 8 1/2" by 11" plan views of the entire property including property lines and project limits with existing and proposed conditions (**legible, reproducible plans required**);
- (c) wetland delineation for the site, information on the basis of the delineation, and calculations of waterway and wetland impact areas (see special condition 2);
- (d) typical cross-section views of all wetland and waterway fill areas and wetland replication areas;
- (e) delineation of submerged aquatic vegetation, e.g., eel grass beds, in tidal waters;
- (f) area, type and source of fill material to be discharged into waters and wetlands, including the volume of fill below ordinary high water in inland waters and below the high tide line in coastal waters;
- (g) mean low, mean high water and high tide elevations in navigable waters;
- (h) limits of any Federal navigation project in the vicinity and State Plane coordinates for the limits of the proposed work closest to the Federal project;
- (i) on-site alternatives analysis (contact Corps for guidance);
- (j) identify and describe potential impacts to Essential Fish Habitat (contact Corps for guidance);
- (k) for dredging projects, include:
  - 1) the volume of material and area in square feet to be dredged below mean high water,
  - 2) existing and proposed water depths,
  - 3) type of dredging equipment to be used,
  - 4) nature of material (e.g., silty sand),



- 5) any existing sediment grain size and bulk sediment chemistry data for the proposed or any nearby projects,
- 6) information on the location and nature of municipal or industrial discharges and occurrences of any contaminant spills in or near the project area,
- 7) location of the disposal site (include locus sheet),
- 8) shellfish survey, and
- 9) sediment testing, including physical, chemical and biological testing. For projects proposing open water disposal, applicants are encouraged to contact the Corps as early as possible regarding sampling and testing protocols.

The Corps may request additional information. Dredging applicants may be required to conduct a shellfish and/or eel grass survey and sediment testing, including physical, chemical and biological testing. Sediment sampling and testing plans should be prepared or approved by the Corps before the samples are collected.

#### **STATE-FEDERAL SCREENING PROCEDURES:**

The Corps intends to utilize the application information required by the State for its regulatory program to the maximum extent practicable and the Corps normally will not be interacting with an applicant who is concurrently making application to the DEP or LURC. Projects not regulated by the State, but needing Corps of Engineers approval, **must apply directly to the Corps**. The joint screening meeting for Category II projects will occur regularly at the Corps or State of fices and will involve representatives from the DEP, the Corps, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service.

The Corps and Federal Resource Agencies will classify the project within the State's review period, not to exceed 60 days, as: 1) approvable under the PGP as proposed; 2) needs additional information, including possible project modification, mitigation or other special conditions to minimize impacts; or 3) exceeds the terms or conditions of the PGP, including the minimal effects requirement, and an individual permit review will be required. In addition, the Corps retains the ability to exercise its discretionary authority and require an individual permit, irrespective of whether the terms and conditions of this general permit are met, based on concerns for the aquatic environment or any factor of the public interest (see special condition 4 on Discretionary Authority). All Category II projects must receive written approval from the Corps before work can proceed. If the project is not approvable as proposed, the DEP, LURC, or the Corps will contact the applicant to discuss the concerns raised. If the applicant is unable to resolve the concerns, the Corps, independently or at the request of the Federal Resource Agencies, will require an individual permit for the project. The applicant will be notified of this in writing, along with information about submitting the necessary application materials. The comments from the Federal Resource Agencies to the Corps may be verbal initially, and must be made within 10 working days of the screening meeting. These comments must be confirmed in writing within 10 calendar days of the verbal response if the Resource Agency(ies) will request an individual permit. The Federal Resource Agency's comments must reflect a concern within their area of expertise, state the species or resources that could be impacted by the project, and describe the impacts that either individually or cumulatively will be more than minimal.

## MINERALS MANAGEMENT SERVICE (MMS) REVIEW

For Category II projects which involve construction of solid fill structures or discharge of fills along the coast which may extend the coastline or baseline from which the territorial sea is measured, coordination between the Corps and Minerals Management Service (MMS), Continental Shelf (OCS) Survey Group, will be needed (pursuant to the Submerged Lands Act, 43 U.S.C., Section 1301-1315, 33 CFR 320.4(f)). During the screening period, the Corps will forward project information to MMS for their review. MMS will coordinate their determination with the Department of the Interior (DOI) Solicitor's Office. The DOI will have 15 calendar days from the date MMS is in receipt of project information to determine if the baseline will be affected. No notification to the Corps within 15 day review period will constitute a "no affect" determination. Otherwise, the solicitor's notification to the Corps may be verbal but must be followed with a written confirmation within 10 business days from the date of the verbal notification. This procedure will be eliminated if the State of Maine provides a written waiver of interest in any increase in submerged lands caused by a change in the baseline resulting from solid fill structure or fills authorized under this general permit.

### **D. Corps Authorization: Category III (Individual Permit)**

Work that is in the INDIVIDUAL PERMIT category on the attached DEFINITION OF CATEGORIES sheets, or that does not meet the terms and conditions of this general permit, will require an application for an individual permit from the Corps of Engineers (see 33 CFR Part 325.1). The screening procedures outlined above will only serve to delay project review in such cases. The applicant should submit the appropriate application materials (including the Corps application form) at the earliest possible date. General information and application forms can be obtained at (207) 623-8367 (Maine Field Office), (800) 343-4789, or (800) 362-4367 in Massachusetts. Individual water quality certification and coastal zone management consistency concurrence will be required from the State of Maine before Corps permit issuance.

### **E. Programmatic General Permit Conditions:**

The following conditions apply to activities authorized under the PGP, including all Category I (non-reporting) and Category II (reporting - requiring screening) activities:

#### GENERAL REQUIREMENTS:

1. **Other Permits.** Authorization under this general permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
2. **Applicability of this general permit shall be evaluated with reference to Federal jurisdictional boundaries.** Applicants are responsible for ensuring that the boundaries used satisfy the federal criteria defined at 33 CFR 328-329.
3. **Minimal Effects.** Projects authorized by this general permit shall have minimal individual and cumulative adverse environmental impacts as determined by the Corps.

4. **Discretionary Authority.** Notwithstanding compliance with the terms and conditions of this permit, the Corps of Engineers retains discretionary authority to require review for an individual permit based on concerns for the aquatic environment or for any other factor of the public interest. This authority is invoked on a case-by-case basis whenever the Corps determines that the potential consequences of the proposal warrant individual review based on the concerns stated above. This authority may be invoked for projects with cumulative environmental impacts that are more than minimal or if there is a special resource or concern associated with a particular project that is not already covered by the remaining conditions of the PGP and that warrants greater review.

Whenever the Corps notifies an applicant that an individual permit may be required, authorization under this general permit is void and no work may be conducted until the individual Corps permit is obtained or until the Corps notifies the applicant that further review has demonstrated that the work may proceed under this general permit.

5. **Single and Complete Projects.** This general permit shall not be used for piecemeal work and shall be applied to single and complete projects. All components of a single project and/or all planned phases of multi-phased projects shall be treated together as constituting one single and complete project (e.g., subdivisions should include all work such as roads, utilities, and lot development). This general permit shall not be used for any activity that is part of an overall project for which an individual permit is required.

#### NATIONAL CONCERNS:

6. **St. John/St. Croix Rivers.** This covers work within the Saint John and Saint Croix River basins that requires approval of the International Joint Commission. This includes any temporary or permanent use, obstruction or diversion of international boundary waters which could affect the natural flow or levels of waters on the Canadian side of the line, as well as any construction or maintenance of remedial works, protective works, dams, or other obstructions in waters downstream from boundary waters when the activity could raise the natural level of water on the Canadian side of the boundary.
7. **Historic Properties.** Any activity authorized by this general permit shall comply with Section 106 of the National Historic Preservation Act. Information on the location and existence of historic resources can be obtained from the Maine Historic Preservation Commission and the National Register of Historic Places. Federally recognized tribes (Penobscots, Passamaquoddys, Micmacs, and Maliseets) may know of the existence of other sites that may be of significance to their tribes. See page 14 for historic properties contacts.

Applicants with projects which will undergo the screening process (Category II) shall submit a copy of their application materials, with the name and address of the applicant clearly indicated, to the Maine Historic Preservation Commission, 55 Capitol Street, State House Station 65, Augusta, Maine 04333, and to the applicable tribe(s) to be reviewed for the presence of historic and/or archaeological resources in the permit area that may be affected by the proposed work. The Corps will then be notified by the Commission and/or

Tribe within 10 days if there are State and/or tribal concerns that the proposed work will have an effect on historic resources. The applicant should include with their application to the State or the Corps either a copy of their cover letter or a statement of having sent their application material to the Commission and Tribe(s).

If the permittee, either prior to construction or during construction of the work authorized herein, encounters a previously unidentified archaeological or other cultural resource, within the area subject to Department of the Army jurisdiction, that might be eligible for listing in the National Register of Historic Places, he/she shall stop work and immediately notify the District Engineer and the Maine Historic Preservation Commission and/or applicable Tribe(s).

8. **National Lands.** Activities authorized by this general permit shall not impinge upon the value of any National Wildlife Refuge, National Forest, or any area administered by the National Park Service.

9. **Endangered Species.** No activity is authorized under this general permit which

- may affect a threatened or endangered species or a species proposed for such designation as identified under the Federal Endangered Species Act (ESA),
- is likely to destroy or adversely modify the critical habitat or proposed critical habitat of such species,
- would result in a 'take' of any threatened or endangered species of fish or wildlife, or
- would result in any other violation of Section 9 of the ESA protecting threatened or endangered species of plants.

Applicants shall notify the Corps if any listed species or critical habitat, or proposed species or critical habitat, is in the vicinity of the project and shall not begin work until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. Information on the location of threatened and endangered species and their critical habitat can be obtained from the U.S. Fish and Wildlife Service and National Marine Fisheries Service (addresses attached, page 14).

10. **Essential Fish Habitat.** As part of the PGP screening process, the Corps will coordinate with the National Marine Fisheries Service (NMFS) in accordance with the 1996 amendments to the Magnuson-Stevens Fishery and Conservation Management Act to protect and conserve the habitat of marine, estuarine and anadromous finfish, mollusks, and crustaceans. This habitat is termed "essential fish habitat (EFH)", and is broadly defined to include "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." Applicants may be required to describe and identify potential impacts to EFH based upon the location of the project, the activity proposed, and the species present. Conservation recommendations made by NMFS will normally be included as a permit requirement by the Corps. Information on the location of EFH can be obtained from the NMFS regulations (50 CFR Part 600) (address listed on page 14) and on their web site (<http://www.nero.nmfs.gov/ro/doc/webintro.html>).

The EFH designation for Atlantic salmon includes all aquatic habitats in the watershed of the following rivers and streams, including all tributaries to the extent that they are currently or were historically accessible for salmon migration:

St. Croix River	Pleasant River	Union River
Boyden River	Narraguagus River	Ducktrap River
Dennys River	Tunk Stream	Sheepscot River
Hobart Stream	Patten Stream	Kennebec River
Aroostook River	Orland River	Androscoggin River
East Machias River	Penobscot River	Presumpscot River
Machias River	Passagassawaukeag River	Saco River

11. **Wild and Scenic Rivers.** Any activity that occurs in a component of, or within 0.25 mile up or downstream of the main stem or tributaries of a river segment of the National Wild and Scenic River System, **must be reviewed by the Corps under the procedures of Category II of this general permit regardless of size of impact.** This condition applies to both designated wild and scenic rivers and rivers designated by Congress as study rivers for possible inclusion while such rivers are in an official study status. The Corps will consult with the National Park Service (NPS) with regard to potential impacts of the proposed work on the resource values of the Wild and Scenic River. The culmination of this coordination will be a determination by the NPS and the Corps that the work: (1) may proceed as proposed; (2) may proceed with recommended conditions; or (3) could pose a direct and adverse effect on the resource values of the river and an individual permit is required. If pre-application consultation between the applicant and the NPS has occurred whereby the NPS has made a determination that the proposed project is appropriate for authorization under this PGP (with respect to wild and scenic river issues), this determination should be furnished to the Corps with submission of the application. The address of the NPS can be found on Page 14 of this permit. *National Wild/Scenic Rivers System (Designated River in Maine) as of 5/2/00:* Allagash River beginning at Telos Dam continuing to Allagash checkpoint at Eliza Hole Rapids, approximately 3 miles upstream of the confluence with the St. John River. Length = 92 miles

12. **Federal Navigation Project.** Any structure or work that extends closer to the horizontal limits of any Corps navigation project than a distance of three times the project's authorized depth (see attached map following page 16 for locations of these projects) shall be subject to removal at the owner's expense prior to any future Corps dredging or the performance of periodic hydrographic surveys.

13. **Navigation.** There shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein.

The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure

or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

14. **Federal Liability.** In issuing this permit, the Federal Government does not assume any liability for the following: (a) damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes; (b) damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest; (c) damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit; (d) design or construction deficiencies associated with the permitted work; (e) damage claims associated with any future modification, suspension, or revocation of this permit.

#### MINIMIZATION OF ENVIRONMENTAL IMPACTS:

15. **Minimization.** Discharges of dredged or fill material into waters of the United States shall be avoided and minimized to the maximum extent practicable, regardless of review category.
16. **Work in Wetlands.** Heavy equipment working in wetlands shall be avoided if possible, **and if required, shall be placed on mats or other measures taken** to minimize soil and vegetation disturbance. Disturbed areas in wetlands shall be restored to preconstruction contours and conditions upon completion of the work.
17. **Temporary Fill.** Temporary fill in waters and wetlands authorized by this general permit (e.g., access roads, cofferdams) shall be properly stabilized during use to prevent erosion. Temporary fill in wetlands shall be placed on geotextile fabric laid on existing wetland grade. Temporary fills shall be disposed of at an upland site, suitably contained to prevent erosion and transport to a waterway or wetland. Temporary fill areas shall be restored to their approximate original contours but not higher. No temporary fill shall be placed in waters or wetlands unless specifically authorized by the Corps.
18. **Sedimentation and Erosion Control.** Adequate sedimentation and erosion control management measures, practices and devices, such as phased construction, vegetated filter strips, geotextile silt fences or other devices, shall be installed and properly maintained to reduce erosion and retain sediment on-site during and after construction. They shall be capable of preventing erosion, of collecting sediment, suspended and floating materials, and of filtering fine sediment. These devices shall be removed upon completion of work and the disturbed areas shall be stabilized. The sediment collected by these devices shall be removed and placed at an upland location in a manner that will prevent its later erosion into a waterway or wetland. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date.

**19. Waterway Crossings.**

- (a) All temporary and permanent crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed to withstand and to prevent the restriction of high flows, to maintain existing low flows, and to not obstruct the movement of aquatic life indigenous to the waterbody beyond the actual duration of construction.
- (b) Temporary bridges, culverts, or cofferdams shall be used for equipment access across streams (NOTE: areas of fill and/or cofferdams must be included in total waterway/wetlands impacts to determine applicability of this general permit).
- (c) For projects that otherwise meet the terms of Category I, instream construction work shall be conducted during the low flow period July 15 - October 1 in any year. Projects that are not to be conducted during that time period are ineligible for Category I and shall be screened pursuant to Category II, regardless of the waterway and wetland fill and/or impact area.

**20. Discharge of Pollutants.** All activities involving any discharge of pollutants into waters of the United States authorized under this general permit shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the Clean Water Act (33 U.S.C. 1251) and applicable state and local laws. If applicable water quality standards, limitations, etc., are revised or modified during the term of this permit, the authorized work shall be modified to conform with these standards within six months of the effective date of such revision or modification, or within a longer period of time deemed reasonable by the District Engineer in consultation with the Regional Administrator of the Environmental Protection Agency. Applicants may presume that state water quality standards are met with issuance of the 401 Water Quality Certification.

**21. Spawning Areas.** Discharges into known 1) fish and shellfish spawning or nursery areas; and 2) amphibian and waterfowl breeding areas, during spawning or breeding seasons shall be avoided, and impacts to these areas shall be avoided or minimized to the maximum extent practicable during all times of year.

**22. Storage of Seasonal Structures.** Coastal structures such as pier sections and floats that are removed from the waterway for a portion of the year shall be stored in an upland location located above mean high water and not in tidal marsh.

**23. Environmental Values.** The permittee shall make every reasonable effort to carry out the construction or operation of the work authorized herein in a manner so as to maintain as much as is practicable, and to minimize any adverse impacts on, existing fish and wildlife and natural environmental values.

**24. Protection of Vernal Pools.** Impacts to uplands in proximity (within 500 feet) to the vernal pools referenced in DEFINITIONS OF CATEGORIES shall be minimized to the maximum extent possible.

## PROCEDURAL CONDITIONS:

25. **Cranberry Development Projects.** For Cranberry development projects authorized under the PGP, the following conditions apply:

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1. If a cranberry bog is abandoned for any reason, the area must be allowed to convert to natural wetlands unless an individual permit is obtained from the Corps of Engineers allowing the discharge of fill for an alternate use.
2. No stream diversion shall be allowed under this permit.
3. No impoundment of perennial streams shall be allowed under this permit.
4. The project shall be designed and constructed to not cause flood damage on adjacent properties.

26. **Inspections.** The permittee shall permit the District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary in order to ensure that the work is being performed in accordance with the terms and conditions of this permit. The District Engineer may also require post-construction engineering drawings for completed work, and post-dredging survey drawings for any dredging work. **To facilitate these inspections, the attached work notification form should be filled out and returned to the Corps for all Category II projects.**

27. **Maintenance.** The permittee shall maintain the work or structures authorized herein in good condition, including maintenance, to ensure public safety. Dredging projects: note that this does not include maintenance of dredging projects. Maintenance dredging is subject to the review thresholds described on the attached DEFINITION OF CATEGORIES sheets and/or any conditions included in a written Corps authorization.

28. **Property Rights.** This permit does not convey any property rights, either in real estate or material, or any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of federal, state, or local laws or regulations. **If property associated with work authorized by the PGP is sold, the PGP authorization is automatically transferred to the new property owner. The new property owner should provide this information to the Corps in writing. No acknowledgement from the Corps is necessary.**

29. **Modification, Suspension, and Revocation.** This permit may be either modified, suspended, or revoked, in whole or in part, pursuant to the policies and procedures of 33 CFR 325.7 and any such action shall not be the basis for any claim for damages against the United States.

30. **Restoration.** The permittee, upon receipt of a notice of revocation of authorization under this permit, shall restore the wetland or waterway to its former condition without expense to the United States and as directed by the Secretary of the Army or his authorized representative. If the permittee fails to comply with such a directive, the Secretary or his designee may restore the wetland or waterway to its former condition, by contract or otherwise, and recover the cost from the permittee.



31. **Special Conditions.** The Corps, independently or at the request of the Federal Resource Agencies, may impose other special conditions on a project authorized pursuant to this general permit that are determined necessary to minimize adverse environmental effects or based on any other factor of the public interest. Failure to comply with all conditions of the authorization, including special conditions, will constitute a permit violation and may subject the permittee to criminal, civil, or administrative penalties or restoration.
32. **False or Incomplete Information.** If the Corps makes a determination regarding the eligibility of a project under this permit and subsequently discovers that it has relied on false, incomplete, or inaccurate information provided by the permittee, the permit shall not be valid and the government may institute appropriate legal proceedings.
33. **Abandonment.** If the permittee decides to abandon the activity authorized under this general permit, unless such abandonment is merely the transfer of property to a third party, he/she must restore the area to the satisfaction of the District Engineer.
34. **Enforcement cases.** This general permit does not apply to any existing or proposed activity in Corps jurisdiction associated with an on-going Corps of Engineers or Environmental Protection Agency enforcement action until such time as the enforcement action is resolved or the Corps determines that the activity may proceed independently without compromising the enforcement action. The Corps may choose not to accept applications or issue permits to any applicant with outstanding violations.
35. **Emergency situations.** This PGP can be used to authorize the repair, rehabilitation, or replacement of those structures destroyed by storms, floods, fire or other discrete unexpected and catastrophic event. In such situations and if the work exceeds Category I limitations, if applicant applies to the Corps within 30 days of the event, the Corps will attempt to contact the resource agencies for their approvals but, if unable to contact them, will issue an emergency permit and review them after-the-fact with the agencies at the next joint processing meeting. Proposed work submitted more than 30 days after the emergency will go through the standard PGP procedures.

#### DURATION OF AUTHORIZATION/GRANDFATHERING:

36. **Duration of Authorization.** Activities authorized under this general permit that have commenced (i.e., are under construction) or are under contract to commence in reliance upon this authorization will remain authorized provided the activity is completed within twelve months of the date of the general permit's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.2 (e)(2). Activities completed under the authorization of the general permit that was in effect at the time the activity was completed will continue to be authorized by the general permit.

### 37. Previously Authorized Activities.

- (a) Activities which have commenced (i.e., are under construction or are under contract to commence) prior to the issuance date of this general permit, in reliance upon the terms and conditions of the non-reporting category of the previous Maine PGP shall remain authorized provided the activity is completed within twelve months of the date of issuance of this general permit, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with special condition 4. The applicant must be able to document to the Corps satisfaction that the project was under construction or contract by the appropriate date.
- (b) Projects that have received written verification or approval from the Corps, based on applications made to the Corps prior to issuance of this general permit, for the previous Maine SPGP and PGP, Nationwide permits, regional general permits, or letters of permission shall remain authorized as specified in each authorization.
- (c) This general permit does not affect activities authorized pursuant to 33 CFR Part 330.3 (activities occurring before certain dates).

For DISTRICT ENGINEER Christine Gedfrey DATE 7 / 26 / 00

## CONTACTS FOR MAINE PROGRAMMATIC GENERAL PERMIT:

*U.S. Army Corps of Engineers*  
Maine Project Office  
675 Western Avenue #3  
Manchester, Maine 04351  
207-623-8367  
Fax # 207-623-8206

*Federal Endangered Species*  
U.S. Fish and Wildlife Service  
Maine Field Office  
1033 South Main Street  
Old Town, Maine 04468  
207-827-5938  
Fax # 207-827-6099

*Wild and Scenic Rivers*  
National Park Service  
North Atlantic Region  
15 State Street  
Boston, MA 02109  
617-223-5203

*Maine Historic Preservation Commission*  
55 Capitol Street  
State House Station 65  
Augusta, Maine 04333  
207-287-2132  
Fax # 207-287-2335  
*Aroostook Band of Micmacs*  
P.O. Box 772  
Presque Isle, Maine 04769  
207-764-1972  
Fax # 207-764-7667

*Passamaquoddy Tribe of Indians*  
Pleasant Point Reservation  
Attn: Tribal Council  
P.O. Box 343  
Perry, Maine 04667  
207-853-2600  
Fax # 207-853-6039

*Federal Endangered Species and Essential  
Fish Habitat*  
National Marine Fisheries Service  
One Blackburn Drive  
Gloucester, Massachusetts 01939  
978-281-9102  
Fax # 978-281-9301

*Houlton Band of Maliseet Indians*  
Attn: Brenda Commander, Tribal Chief  
Route 3 - Box 450  
Houlton, Maine 04730  
207-532-4273  
Fax # 207-532-2660  
*Passamaquoddy Tribe of Indians*  
Indian Township Reservation  
Attn: Donald Soctomah  
P.O. Box 301  
Princeton, Maine 04668  
207-796-2301  
Fax # 207-796-5256

*Penobscot Indian Nation*  
Richard Hamilton, Chief  
6 River Road  
Indian Island Reservation  
Old Town, Maine 04468  
(207) 827-7776  
Fax # 207-827-1137

*Maine Department of Environmental Protection  
(For State Permits and Water Quality  
Certifications)*

Natural Resources Division  
Bureau of Land and Water Quality Control  
State House Station 17  
Augusta, Maine 04333  
207-287-2111

Southern Maine Regional Office  
312 Canco Road  
Portland, Maine 04103  
201-822-6300

Eastern Maine Regional Office  
106 Hogan Road  
Bangor, Maine 04401  
207-941-4570

Northern Maine Regional Office  
1235 Central Drive  
Skyway Park  
Presque Isle, Maine 04769  
207-764-0477

*MaineLand Use Regulation Commission (LURC)  
offices*

22 State House Station  
Augusta, ME 04333-0022  
207-287-2631  
800-452-8711 (call to obtain appropriate LURC  
of fice)  
Fax # 207-287-7439

45 Radar Road  
Ashland, ME 04732-3600  
207-435-7963  
Fax # 207-435-7184

Lakeview Drive  
P.O.Box 1107  
Greenville, ME 04441  
207-695-2466  
Fax # 207-695-2380

191 Main Street  
East Millinocket, ME 04430  
207-746-2244  
Fax # 207-746-2243

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*(For CZMA Determinations)*

State Planning Office  
Coastal Program  
184 State Street  
**State House** Station 38  
Augusta, Maine 04333  
207-287- 1009

*Maine Department of Marine Resources  
(For Aquaculture Leases)*  
McKown Point  
Boothbay Harbor, Maine 04575  
207-633-9500

*(For Submerged Lands Leases)*

Maine Department of Conservation  
Bureau of Parks and Lands  
22 State House Station  
207-287-3061

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A. INLAND WETLANDS (WATERS OF THE U.S.) <sup>1</sup>	CATEGORY I	CATEGORY II	INDIVIDUAL PERMIT
(a) NEW FILL/ EXCAVATION DISCHARGES	<p>Less than 4,300 sf inland waterway and /or wetland fill and secondary impacts (e.g., areas drained, flooded or cleared).</p> <p>-- Includes projects covered by a State Tier One permit with no cumulative impacts over 15,000 sf in inland wetlands from previous permits, unauthorized work, and/or other state permits.</p> <p>-- Includes crossing of perennial waterways designated as Essential Fish Habitat (EFH) for Atlantic salmon<sup>2</sup> if the waterway is crossed with a span and footprints of the span abutments are outside ordinary high water with no more than 4,300 sf of associated wetland impact.</p> <p>-- Includes in-stream work of up to 4,300 sf of fill below ordinary high water in waterways not designated as EFH for Atlantic salmon<sup>2</sup> and performed in accordance with Maine Permit By Rule standards or a LURC permit.</p>	<p>4,300 sf to 3 acres inland waterway and/or wetland fill and secondary impacts (e.g., areas drained, flooded or cleared).</p> <p>-- Impact area includes all temporary and permanent fill and excavation except for incidental fallback.</p> <p>-- Includes in-stream work, including crossings (other than a spanned crossing as described in Category I) with any discharge of fill below ordinary high water in perennial waterways designated as EFH for Atlantic salmon<sup>2</sup>.</p> <p>-- Time of year restrictions determined case-by-case.</p>	<p>Greater than 3 acres inland waterway and/or wetland fill and secondary impacts (e.g., areas drained, flooded or cleared).</p> <p>-- Impact area includes all temporary and permanent fill and excavation discharges except for incidental fallback<sup>3</sup>.</p> <p>In-stream work exceeding Category II limits.</p> <p>If EIS required by the Corps.</p>

<sup>1</sup> Water of the U.S. in inland areas: inland rivers, streams, lakes, ponds and wetlands.

<sup>2</sup> Essential Fish Habitat for Atlantic salmon includes all aquatic habitats in the watersheds of the following rivers and streams, including all tributaries to the extent that they are currently or were historically accessible for salmon migration: St. Croix, Boyden, Dennys, Hobart Stream, Aroostook, East Machias, Machias, Pleasant, Narraguagus, Tunk stream, Patten Stream, Orland, Penobscot, Passagassawaukeag, Union, Ducktrap, Sheepscot, Kennebec, Androscoggin, Presumpscot and Saco River.

<sup>3</sup> The larger the impacts, the more likely an individual permit will be required. Projects involving widening, expansion or impacts to degraded or low value wetlands between 1-3 acres may be approved under Category II, subject to the Federal screening. The Corps recognizes and endorses the DEP Tier 2 upper thresholds of 1 acre. Compensatory mitigation is likely to be required at this level of impact.

	<b>CATEGORY I</b>	<b>CATEGORY II</b>	<b>INDIVIDUAL PERMIT</b>
(a) NEW FILL/ EXCAVATION DISCHARGES	<p>-- Impact area includes all temporary and permanent fill and excavation discharges except for incidental fallback.</p> <p>-- In-stream work limited to July 15 - Oct. 1.</p> <p>-- This category excludes situations when a vernal pool of any size may be impacted, in accordance with the ME DEP definition of vernal pool<sup>4</sup></p> <p>-- This category excludes work within ¼ mile or a Wild and Scenic River<sup>5</sup></p> <p>-- This category excludes dams, dikes, or activities involving water withdrawal or water diversion.</p> <p>-- This category excludes work in National Wildlife Refuges.</p>	Proactive restoration projects with any amount of impact can be reviewed under Category II. The Corps, in consultation with State and Federal agencies, must determine that net adverse effects are not more than minimal.	
(b) BANK STABILIZATION PROJECTS	<p>Inland bank stabilization less than 500 ft. long and less than 1 cy fill per linear foot below ordinary high water in ponds, lakes, and waterway not designated as EFH for Atlantic salmon<sup>2</sup>, provided there is no wetland fill.</p> <p>-- In-stream work limited to July 15 - Oct. 1.</p>	<p>Inland bank stabilization in ponds, lakes, and waterways not designated as EFH for Atlantic salmon<sup>2</sup> which exceeds Category I limits.</p> <p>Inland bank stabilization of any size below ordinary high water in waterways designed as EFH for Atlantic salmon<sup>2</sup>.</p> <p>-- Other stabilization exceeding Category I.</p>	
(C) REPAIR AND MAINTENANCE OF AUTHORIZED FILLS	Repair or maintenance of existing, currently serviceable, authorized fills with no substantial expansion or change in use.	Replacement of non-serviceable fills, or repair or maintenance of serviceable fills with expansion of any amount up to 1 acre, or with a change in use.	Replacement of non-serviceable fills, or repair or maintenance of serviceable fills with greater than 1 acre of expansion.

<sup>4</sup> Vernal Pool: Naturally-occurring, or intentionally created for the purposes of compensatory mitigation, temporary to permanent bodies of water occurring in shallow depressions that fill during the spring and fall and may dry during the summer. Vernal pools have no permanent or viable populations of predatory fish. Vernal pools provide the primary breeding habitat for wood frogs, spotted salamanders, blue-spotted salamanders, and fairy shrimp, and provide habitat for other wildlife including several endangered and threatened species.

<sup>5</sup> National Wild/Scenic Rivers System (Designated River in Maine): Allagash River beginning at Telos Dam continuing to Allagash checkpoint at Eliza Hole Rapids, approximately 3 miles upstream of the confluence with the St. John River. Length = 92 miles.

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B. TIDAL WATERS AND NAVIGABLE WATERS <sup>6</sup>	CATEGORY I	CATEGORY II	INDIVIDUAL PERMIT
(a) FILL		Up to 1 acre waterway or wetland fill and secondary impacts (e.g., areas drained, flooded or cleared). Includes temporary and permanent waterway fill. -- Temporary tidal marsh impacts up to 1 acre. -- Permanent tidal marsh, mudflat, or vegetated shallows 7 fill up to 1,000 sf. -- Proactive restoration projects with any amount of impact can be reviewed under Cat. II. The Corps, in consultation with State and Federal agencies, must determine that net adverse effects are not more than minimal.	Greater than 1 acre waterway fill and secondary impacts (e.g., areas drained, flooded or cleared). Includes -- Temporary tidal marsh impacts over 1 acre. -- Permanent tidal marsh, mudflat, or vegetated shallows 7 fill over 1,000 sf.
(b) REPAIR AND MAINTENANCE WORK	Repair or maintenance of existing, currently serviceable, authorized structure or fills with no substantial expansion or change in use. -- Work must be in same footprint as original structure or fill	Repair or replacement of any non-serviceable structures or fill, or repair or maintenance of serviceable fills with expansion of any amount up to 1 acre, or with a change in use.	Replacement of non-serviceable structures or fill or repair or maintenance of serviceable structure or fill with expansion greater than 1 acre.

6 Navigable Waters: waters that are subject to the ebb and flow of the tide and Federally designated navigable waters (Penobscott River to Medway, Kennebec River to Moosehead Lake, and the portion of Umbagog Lake in Maine).

7 Vegetated Shallows: subtidal areas that support rooted aquatic vegetation such as eelgrass.

	CATEGORY I	CATEGORY II	INDIVIDUAL PERMIT
(c) DREDGING	Maintenance dredging of less than 1,000 cy with upland disposal. -- Proper siltation controls used -- Limited to work between November 1 and January 15. -- No impact to special aquatic sites <sup>8</sup>	Maintenance dredging of greater than 1,000 cy, new dredging of up to 25,000 cy, or projects that do not meet Category I. Disposal includes upland, open water or beach nourishment (above mean high water), only if material is determined suitable.	Maintenance dredging (any amount) in or affecting special aquatic sites <sup>7</sup> . See B(a) above for dredge disposal in wetlands or water.  New dredging greater than 25,000 cy or any amount in or affecting special aquatic sites <sup>7</sup> .
(d) MOORINGS	-- Private, non-commercial, non-rental single boat moorings not associated with any boating facility? <sup>9</sup> provided not located in a Federal Navigation Project, there is no interference with navigation, it is not located in vegetated shallows <sup>6</sup> , and it is within ¼ mile of the owner's residence or a public access point <sup>10</sup> . -- Minor relocation or previously authorized mooring and moored floats consistent with Harbormaster recommendations, provided it is also consistent with local regulations, is not located in vegetated shallows, and does not interfere with navigation.	Moorings that do not meet the terms of Category I (e.g., rental or service moorings) and moorings that meet the terms of Category I that are located in a Federal anchorage.	Moorings within the horizontal limits, or with moored vessels that extend, into the horizontal limits of a Federal Navigation Project, except those in Federal anchorages under Category II.

<sup>8</sup>Special Aquatic Sites: include wetlands and salt marsh, mudflats, riffles and pools, and vegetated shallows.

? Boating Facilities: facilities that provide, rent, or sell mooring space, such as marinas, yacht, clubs, boat clubs, boat yards, town facilities, dockominiums, etc.

<sup>10</sup> Cannot be at a remote location to create a convenient transient anchorage.



	CATEGORY I	CATEGORY II	INDIVIDUAL PERMIT
(e) PILE-SUPPORTED STRUCTURES AND FLOATS	Reconfiguration of existing authorized docks, provided structures are not positioned over vegetated shallows or salt marsh and provided floats are supported off substrate at low tide. No dredging, addition slips or expansion allowed.	Private piers and floats for navigational access to waterway (seasonal and permanent).	Structures, piers or floats that extend, or with docked/moored vessels that extend, into the horizontal limits of a Federal Navigation Project. Structures, including piers and floats, associated with a new or previously unauthorized boating facility <sup>8</sup> .
(f) MISCELLANEOUS	<ul style="list-style-type: none"> <li>-- Temporary buoys, markers, floats, etc., for recreational use during specific events, provided they are removed within 30 days after use is discontinued.</li> <li>-- Coast Guard approved aids to navigation.</li> <li>-- Oil spill clean-up temporary structures or fill.</li> <li>-- Fish/wildlife harvesting structures/fill (as defined by 33 CFR 330, App. A-4)</li> <li>-- Scientific measurement devices and survey activities such as exploratory drilling, surveying or sampling.</li> <li>-- Shellfish seeding (brushing the flats) projects<sup>11</sup>.</li> <li>-- Does <u>not</u> include oil or gas exploration and fills for roads or construction pads.</li> <li>-- This category excludes work in National Wildlife Refuges.</li> </ul>	<ul style="list-style-type: none"> <li>-- Structures or work in or affecting tidal or navigable waters that are not defined under any or the previous headings. Includes, but is not limited to, utility lines, aerial transmission lines, pipelines, outfalls, boat ramps, bridge fills/abutments, etc.</li> <li>-- Shellfish/finfish (other than Atlantic salmon), or other aquaculture facilities which are consistent with the Corps revised standard siting requirements and standard permit conditions dated 7/6/94, or as revised.</li> </ul>	If EIS required by Corps.

<sup>11</sup> Brushing the flats: the placement of tree boughs, wooden lath structures, or small-mesh fencing on mudflats for the purpose of enhancing recruitment of soft-shell clams (*Mya arenaria*).